File #:

62-116395

Serial Scope:

500 THRU 535

537 THRU 541

543 THRU 546

1 - Mr. [illegible] Adams
2 - Mr. [illegible] Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. J. Cochran

August 18, 1975

The Attorney General

Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. J. P. Thomas

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-11-00 BY SP2ALM/JTG

Reference is made to the August 5, 1975, request of the SSC for FBI materials.

Enclosed is a memorandum for your approval and forwarding to the Committee in response to Item V in referenced request, relating to access to screen material by August 18, 1975.

Also enclosed for your records is a copy of the memorandum prepared for the Committee.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

JPT:lhb lhb
(11)

REC 27 62-116395-546

EX 104

AUG 21 1975

ENCLOSURE

"ENCLOSURE IN BULKY ROOM"

Assoc. Dir.
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Dep. AD Inv.
Asst. Dir.:
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Ext. Affairs
Files & Com.
Gen. Inv.
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MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. J. Cochran
1 - Mr. W. R. Wannall

62-116395

August 18, 1975

1 - Mr. W. O. Cregar
1 - Mr. J. P. Thomas

#MDR16 SP-2 ALM/ATB 10-11-00

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to Item V of the August 5, 1975, request by the SSC for access to screen FBI materials.

Materials considered responsive to the SSC request have been assembled and are available for review by SSC Staff Members in Room 4171, JEH Building, regarding the following parts of Item V:

Part A. Materials pertaining to Mrs. Claire (Anna) Chennault and Spiro T. Agnew. Regarding Item V., A., 6., information pertaining to actions taken by the White House as a result of information contained in the summary letters described in Item V., A., 4., is not contained in FBI files. Regarding Item V., A., 7., the FBI has no record of any former or current Special Agent (SA) named William Jackson who could have performed the tasks enumerated in the SSC request. However, at the time that SA Phil Claridge was assigned to the Albuquerque Field Office, there was also assigned there a Special Agent named Gordon Jackson, now retired. The last known residence for SA Claridge, who retired June 29, 1973, is 619 16th Street N.W., Albuquerque, New Mexico. The last known residence for SA Jackson is 1537 Wellesley Drive N.E., Albuquerque, New Mexico.

Part B. Materials pertaining to Yeoman Charles E. Radford.

JPT:lhb lhb
(10)

ORIGINAL AND ONE COPY TO AG

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ENCLOSURE

JPT

GPO 951-546

Part E. Materials relating to the National Security Agency (NSA) "watch list." Regarding this request, it should be noted that no central file or individual case regarding the "watch list" has been maintained by the FBI. Accordingly, a diligent search of logical files and inquiries of personnel possibly knowledgeable of information pertinent to the SSC request have been conducted. Materials secured by this effort have been assembled in chronological order, in order to facilitate Staff review.

Part F. Materials pertaining to authorization for FBI contacts with, dissemination of FBI information to, receipt of information from, and requests by the FBI for action by the Special Services Staff of the Internal Revenue Service.

Part G. The "Handbook of Technical Equipment." Pursuant to agreement between Mr. John T. Elliff of the SSC and Mr. William O. Cregar of the FBI, the aforementioned handbook, which deals entirely with technical information, is available for review by Mr. Elliff to determine its relevance to SSC interests. Should Mr. Elliff determine that the handbook or specific portions thereof are relevant, and request delivery of same, prior review by FBI Laboratory personnel, to determine the necessity for security classification of requested materials, will be required before delivery.

Part H. Materials pertaining to FBI activity with respect to the National Environmental Teach-in (also known as "Earth Day"), April 22, 1970.

Part I. Materials pertaining to the origin and implication of any decision to gather intelligence on "Women's Liberation" in the FBI Philadelphia Field Office from 1969 to the present.

Part J. Additional SAC letters and memoranda identified on a list attached to the referenced request.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Part K. Performance ratings (form FD-185) of several named current or former FBI employees. Regarding this request, pursuant to agreement between Mr. Elliff, supra, and Mr. Cregar, supra, the personnel file of former SA George Berley, containing forms FD-185 regarding Mr. Berley, will be available in the possession of a representative of the FBI for discussion and responses to specific questions Mr. Elliff may desire to ask regarding the performance ratings contained therein.

Part L. The current office assignment or last known address of individuals listed in Part K. of the request.

As previously indicated, the aforementioned materials will be available in Room 4171, JEH Building.

Part C. of the referenced request concerned surreptitious entries carried out by the FBI from January 1, 1960, to the present. Part D. of the referenced request concerned materials pertaining to any jurisdictional agreements, agreements of coordination, or other agreements between the FBI and any other Federal, state or local agency with regard to the conduct of and dissemination of information from surreptitious entries. The Department of Justice has previously informed the SSC that it has the matter of surreptitious entries under study and the FBI has been instructed by the Department of Justice to withhold responses to inquiries concerning surreptitious entries until Departmental study of the matter has been completed.

1 - The Attorney General

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 8/18/75

Caption of Document: U. S. Senate Select Committee on Intelligence Activities. (Item V of 8/5/75 SSC request.)

Originating Office: FBI

Delivered by: Paul V. Daly Date: 8/18/75

Received by: [signature]

Title:

Return this receipt to the Intelligence Division, FBI

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-11-00 BY SP2 ALM/JG

62-116395-546

ENCLOSURE

CLASSIFY AS APPROPRIATE

E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

8/18/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

X	SSC
	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 8/5/75

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Operating Procedures
Intelligence collection

#mDR16
10-11-00 SP2 mm 1776

8. SUMMARY (see reverse side before completing this item)

Made available to appropriate personnel of the SSC Staff, for review at FBIHQ, materials pertaining to Mrs. Claire (Anna) Chennault and Spiro T. Agnew. Addresses furnished of two former Special Agents of the Albuquerque, New Mexico office. Material pertaining to Yeoman Charles E. Radford. Materials relating to the National Security Agency "watch list". Materials pertaining to authorization for FBI contacts with, dissemination of FBI information to, receipt of information from, and requests by the FBI for action by the Special Services Staff of the Internal Revenue Service. The "Handbook of Technical Equipment." Materials pertaining to FBI activity with respect to the National Environmental Teach-in, April 22, 1970. Materials pertaining to the origin and implication of any decision to gather intelligence on "Women's Liberation" in the FBI Philadelphia Field Office from 1969 to the present. Additional SAC letters and memoranda. Performance ratings (form FD-185) of several named current or former FBI employees.

62-116395
FMK:fmk (4)

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH SENSTUDY 75

ENCLOSURE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

Court Seal [JFK Law 10(a)1]

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Court Seal [JFK Law 10(a)1]

Court Seal [JFK Law 10(a)1]

Court Seal [JFK Law 10(a)1]

1 - Mr. J. [illegible] Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. L. F. Schwartz

The Attorney General

August 7, 1975

Director, FBI

#MDR16
10-11-00 SP2ALM/JTG

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Enclosed for your information is a memorandum with enclosure concerning an interview by a representative of the captioned Committee of former FBI Inspector Donald E. Moore. Single copies of the memorandum and its enclosure are also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures - 4

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - 67- (Personnel File Former FBI Inspector Donald E. Moore)

LFS:lhb
(10)

EX 104

REC 27 62-116395-543

9 AUG 21 1975

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Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

3 ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

84 AUG 25 1975

GPO 954-546

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. L. F. Schwartz

62-116395

August 7, 1975

#MDR 16 SP2 ALM/JTB 10-11-00 AL

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI INSPECTOR DONALD E. MOORE BY SSC STAFF MEMBER

This memorandum and its enclosure contain information concerning an interview on July 28, 1975, of former FBI Inspector Donald E. Moore by Mr. Loch Johnson, SSC Staff Member. Mr. Moore entered on duty with the FBI on March 10, 1941, and served continuously in a variety of assignments until his retirement on June 29, 1973.

On advance notice from Mr. Johnson, Mr. Moore was advised that Mr. Johnson desired to interview him at Mr. Moore's convenience relative to his knowledge of the Huston Report. Mr. Moore was advised that he was being released from any applicable employment agreement for purposes of the SSC interview concerning the Huston Report. It was explained to him that he had the right to counsel; however, the FBI would be unable to provide private counsel. He was also advised that there were certain privileged areas concerning which he would not be required to answer questions. These areas concerned information which might divulge the identities of FBI sources; information relating to sensitive methods and techniques; information which might adversely affect ongoing FBI investigations; and information originating with other agencies, including foreign intelligence agencies. Mr. Moore was advised that if he desired an FBI representative to be available for consultation at the time and place of the interview, one would be supplied. Mr. Moore commented that

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Director Sec'y ___

1 - 67- (Personnel File Former FBI Inspector Donald E. Moore)

LFS:lhb/hb
(9)

SEE NOTE PAGE 2

MAIL ROOM ☐ TELETYPE UNIT ☐ ENCLOSURE

62-116395-1054

GPO 954-546

this would not be necessary but indicated that if necessary he might contact a Bureau representative telephonically if a matter requiring consultation should come up during the interview. Mr. Moore subsequently contacted Mr. Johnson and made arrangements to be interviewed in Mr. Moore's office on July 28, 1975.

On July 31, 1975, Mr. Moore voluntarily furnished the attached memorandum which he prepared subsequent to his interview with Mr. Johnson.

Enclosure

NOTE:

Mr. Moore's memorandum concerning the interview was voluntarily furnished to SA L. F. Schwartz.

Interview of Donald E. Moore by
Mr. Loch Johnson, Senate Select Committee
July 28, 1975

Mr. Johnson stated at the outset that this was an informal interview and he did not place me under oath. He asked about my background which was provided him and included the fact that I served in the FBI from March 10, 1941, until my retirement at the end of June 1973.

The interview concerned the so-called Huston Committee and he asked if I knew Tom Charles Huston before the Committee was established. I said I recalled meeting Huston once, in Bill Sullivan's office, but I didn't recall when this was, but it was before the Committee was formed. In response to questions, Mr. Johnson was informed as follows:

I was aware of the meeting at the White House attended by Director Hoover, Mr. Helms, Admiral Gayler and Gen. Bennett. I was probably aware the meeting was to take place before the meeting date but I can't recall this. (He said the meeting was held June 5, 1970.) I was not at a meeting held in Mr. Hoover's office June 8 but I recall hearing about the meeting, probably from Bill Sullivan. I don't recall a meeting held in the Domestic Intelligence Division after this at which Sullivan, Bill Cregar, George Moore, Fred Cassidy and I were present. I did attend the initial meeting of the Working Group headed by Sullivan and was present because Sullivan asked me to be there. I remember Sullivan and Cregar were at the meeting and I thought one or more other FBI representatives were present. He mentioned George Moore and Fred Cassidy were at the meeting.

I recall Mr. Helms and Mr. Angleton from CIA were present but did not recall the names of others including the representatives from NSA, DIA and the military services. I recall Sullivan chaired the meeting and that Huston sat at the opposite end of the table. Either Helms or Sullivan announced that Helms probably couldn't stay for the entire meeting but I don't recall Helms leaving, although he did not sit directly at the conference table.

ENCLOSURE, 62-116395-543

I can't recall the conversation at the meeting but think that Sullivan outlined the request of the President to study means of getting better intelligence information on new left activities and violent protest movements in the US, especially with regard to possible foreign support. I think Sullivan probably outlined areas of concern and asked representatives present to document where they felt intelligence was lacking, how it could be obtained, who should obtain it and what was needed to obtain it. I said I couldn't at this date recall specific observations or proposals and rather believed the purpose of the meeting was to outline the general problem and ask the representatives to document these and come in with specific recommendations at a subsequent meeting. I am certain Mr. Huston spoke about the purpose of the meeting but I can't recall his comments.

This was the only meeting of the Working Group I attended. I told Mr. Sullivan that if agreeable with him I would not attend subsequent meetings and I thought the FBI had several representatives present and that the thrust was on new left and related activities. As I recall he said "suit yourself." Johnson pressed me on this and I told him this was what I expressed to Sullivan but I also was somewhat uneasy after the first meeting as I did not believe Mr. Hoover was aware of collection efforts that were likely to be recommended. I could not state what FBI members attended subsequent meetings but I believe Charles Brennan and Bill Cregar, and of course, Bill Sullivan, attended as well as some other representatives.

I can't say who drafted the report but was sure it was under Sullivan's direction. During the period of the meetings Deke DeLoach had retired and Sullivan had been appointed Assistant to the Director and moved from the 9th & D Building to the Justice Building. I don't recall when Mr. Hoover's objections to certain of the recommendations were added. I can't say whether I saw the report prior to the objections being in it but may have; I do recall seeing the report after the objections were in it. I don't know whether Mr. Hoover told Sullivan to put the objections in it but presume Sullivan knew Mr. Hoover's views and put the objections in on this basis. I could not answer the question as to whether Mr. Tolson was the person responsible for having the objections made but felt he would have objected to the initial recommendations.

I did see the letter from the White House saying the report had been approved. I believe it was signed by Huston and stated the President had approved the recommendations. I was aware Mr. Hoover had either written or seen Attorney General Mitchell expressing his reluctance and was aware the White House letter was withdrawn. I din't know why it was withdrawn other than this occurred after Mr. Hoover went to the Attorney General.

Mr. Johnson asked certain specific questions during or after the above discussion. He asked what covert mail coverage was involved since CIA in 1970 was engaged in covert mail interception. After checking with Mr. Leon F. Schwartz of the FBI, Mr. Johnson was advised that while I had been released from my pledge of confidentiality by the FBI in general with regard to the Huston Committee this matter was under review by the Department of Justice and I had not been released from my pledge on this aspect. A similar answer was given to the question about what was meant by the removal of restrictions on the use of surreptitious entry of embassies to obtain cryptographic materials.

Mr. Johnson asked if I thought the Huston Committee had been instigated by Bill Sullivan to more or less force Mr. Hoover to take a more aggressive stance in intelligence collection. I answered that I would not like to speculate on this and I could not make a definite statement yes or no.

He asked why the Working Group met at CIA as opposed to the FBI and whether this had special meaning. I answered that I did not think so, that the US Intelligence Board was headed by the Director of CIA, was concerned with intelligence collection and met at CIA and also meeting arrangements could probably be better arranged at CIA in view of parking, conference rooms, etc.

He said Admiral Gayler had stated that he and his predecessor, Gen. Carter, had tried to get Mr. Hoover to provide more support to NSA with regard to Communications Intelligence and asked if I was aware of any such efforts, and if they were in person or in writing. I said I was aware that Gen. Carter and Adm. Gayler had asked for support and I believe they might have seen Mr. Hoover personally and perhaps had written him.

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

	DOCUMENT		BRIEFING	X	INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

8/7/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

	SSC
	HSC

The Attorney General with a copy for forwarding to the White House

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum reporting results of an interview by SSC Staff Members of former FBI Inspector Donald E. Moore

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

NA

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Intelligence Collection

#MDR16

10/11/00 SP2 ALM/JJG

8. SUMMARY (see reverse side before completing this item)

Concerning the FBI and the so-called Huston Report

62-116395

FMK:fmk
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

5/10/78

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE 62-116395-543

274-10033

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee; etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 14 1975

TELETYPE

REC 27

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Training
Legal Coun.
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Director Sec'y

DECLASSIFIED BY SP-2 ALM/JJG
ON 11-28-00
#MDR16

NR Ø12 NY CODE

5:08PM URGENT 8-14-75 PLQ

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, NEW YORK (105-146601)

~~TOP SECRET~~

ATTN: INTD, W. O. CREGAR

SENSTUDY 75; IS-R

THERE FOLLOWS A PRELIMINARY SUMMARY OF INFORMATION PROVIDED BY SPECIAL AGENT (SA) JAMES P. KEHOE TO STAFF MEMBERS OF SENATE SELECT COMMITTEE ON AUGUST 12, 1975. COMPLETE DETAILS WILL BE PROVIDED TO THE BUREAU WHEN THEY ARE RECEIVED FROM SA KEHOE'S ATTORNEY.

THREE SUBJECTS WERE DISCUSSED BY SA KEHOE AND THEY WERE SAM SURVEY, SUN SURVEY, AND Z COVERAGE. WITH REGARD TO SAM SURVEY, IT WAS STATED THAT TO THE BEST OF HIS RECOLLECTION THIS BEGAN ABOUT 1959 AND WAS BELIEVED TERMINATED IN 1963. IT BEGAN AS A SURVEY TO OBSERVE THE OUTSIDE OF THE ENVELOPS DESTINED TO VARIOUS CITIES IN EUROPE, LOOKING FOR INDICATORS WHICH WOULD LEAD TO LOCATION OF SOVIET ILLEGAL AGENTS. AT A LATER POINT IN TIME COVERAGE WAS ALSO MAINTAINED ON CERTAIN ADDRESSES IN EUROPE KNOWN TO BE MAIL DROPS UTILIZED BY THE SOVIET INTELLIGENCE SERVICE (SIS). THE ACTUAL SCRUTINY OF THE MAIL WAS CONDUCTED AT

EX 104 REC 27 62-116395-

9 AUG 21 1975

COPY RETAINED IN PERSONNEL RECORD

ROUTE IN ENVELOPE

84 AUG 26 1975

KENNEDY AIRPORT IN A ROOM AT THE POSTAL AIR MAIL FACILITY. CERTAIN CONSTANT CITIES WERE EXAMINED AND OTHER CITIES WERE SELECTED ON A VARIABLE BASIS. WHEN LETTERS WERE OBSERVED THAT WERE BELIEVED TO MEET THE CRITERIA THEY WERE BROUGHT BACK TO THE NEW YORK OFFICE (NYO) WHERE THEY WERE OPENED AND PHOTOGRAPHED BY THE AGENT CONDUCTING THE Z COVERAGE. THE VOLUME WAS VERY SMALL, PROBABLY CONSISTING OF ABOUT TEN LETTERS IN A SIX MONTH PERIOD. A DESCRIPTION OF THE MACHINE UTILIZED IN THE OPENING WAS PROVIDED AND IT WAS EXPLAINED THAT WHEN A LETTER, BELIEVED TO HAVE BEEN SENT BY A SOVIET AGENT WAS OBSERVED, PHOTO COPIES WERE PROVIDED TO HEADQUARTERS IN WASHINGTON, AS WELL AS, AN INVESTIGATIVE FILE BEING OPENED IN NEW YORK CITY (NYC). THE SIZE OF THE SQUAD HANDLING THIS TOTAL OPERATION WAS ESTIMATED TO BE ABOUT TWENTY MEN. IT WAS INDICATED THAT THE POSTAL EMPLOYEES WHOSE NAMES WERE NOT RECALLED MERELY PROVIDED THE MAIL POUCHES AND WERE NOT PRESENT IN THE ROOM DURING THE SCREENING PROCESS. IT WAS ALSO STATED THAT ANY MAIL REMOVED AND BROUGHT TO THE NYO WAS RETURNED TO THE AIRPORT FOR DISPATCH ON THE NEXT OUTGOING FLIGHT, TO THE CITY OF DESTINATION.

WITH REGARD TO SUN SURVEY IT WAS STATED THAT THIS OPERATION WAS RUN BY THE SAME SQUAD BUT THAT IN THIS OPERATION THE ONLY MAIL SCREENED WAS MAIL ADDRESSED TO THE UNITED NATIONS (UN) AT A POST OFFICE BOX IN GRAND CENTRAL STATION. THE SCREENING TOOK PLACE IN A ROOM PROVIDED BY THE POST OFFICE AT GRAND CENTRAL STATION AND THE PURPOSE WAS TO OBTAIN MAIL WHICH MIGHT BE ADDRESSED TO SOVIET MEMBERS OF THE UN AT THIS BOX NUMBER. THESE LETTERS WERE ALSO RETURNED TO THE NYO AND OPENED AND PHOTOGRAPHED IN A SIMILAR MANNER. IN THIS INSTANCE, PHOTOGRAPHS WERE NOT FORWARDED TO HEADQUARTERS BUT WERE FORWARDED TO THE INDIVIDUAL CASE FILE OF THE SOVIET NATIONAL AND THE RESULTS OF THE MAIL INTERCEPT WOULD BE REPORTED TO THE BUREAU AT THE NEXT REPORTING SCHEDULE FOR THAT PARTICULAR CASE. IT WAS ESTIMATED THAT SUCH COVERAGE RESULTED IN THE OPENING OF ABOUT FIVE OR SIX LETTERS A DAY.

WITH REGARD TO Z COVERAGE IT WAS EXPLAINED THAT SA KEHOE HAD NO DIRECT KNOWLEDGE OF THIS OPERATION BUT HAD BEEN PRESENT IN THE ROOM, IN THE NYO, WHEN MAIL WAS OPENED. NO ESTIMATE COULD BE GIVEN OF THE INCLUSIVE DATES OF COVERAGE OR THE VOLUME OF MAIL.

BUT IT WAS STATED THAT ALL MAIL TO THE SOVIET MISSION TO THE UN (SMUN) WAS OPENED AND PHOTOGRAPHED IN THE NYO AND THAT THIS MAIL WAS PROVIDED BY POSTAL OFFICIALS AND THAT AFTER PHOTOGRAPHING, THE INFORMATION WOULD BE PROVIDED TO THE INVESTIGATIVE CASE FILES.

THE NAMES OF SOME INDIVIDUALS EMPLOYED IN THESE THREE OPERATIONS WERE PROVIDED AND THE THOUGHT EXPRESSED THAT ALL THREE OPERATIONS MAY HAVE BEEN CONCLUDED AT THE SAME TIME AND THAT THE DECISION TO CONCLUDE THE OPERATIONS CAME FROM WASHINGTON.

IT WAS STATED THAT SA KEHOE HAD NO KNOWLEDGE AS TO WHICH OFFICIALS IN WASHINGTON APPROVED THE ORIGINAL PROGRAMS OR TERMINATED THEM, BUT IT WAS FELT THAT THE ONLY PERSON WHO COULD GIVE APPROVAL TO COMMENCE AND TERMINATE WOULD HAVE HAD TO HAVE BEEN FORMER DIRECTOR HOOVER. OTHER QUESTIONS, SUCH AS DID THE AGENT KNOW SPECIFIC NAMES, WERE ANSWERED EITHER AFFIRMATIVELY OR NEGATIVELY, DEPENDING UPON THE CIRCUMSTANCES, THE NAMES RECOGNIZED WERE POSTAL INSPECTORS, AND QUESTIONS SUCH AS WAS THERE COOPERATION BETWEEN THE CENTRAL INTELLIGENCE AGENCY (CIA) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN THESE OPERATIONS

PAGE FIVE NY L05-L4406L TOP SECRET

WERE ANSWERED NEGATIVELY. QUESTIONS AS TO KNOWLEDGE OF THE CIA'S MAIL SCREENING OPERATION WERE ANSWERED IN EFFECT THAT SA KEHOE GENERALLY HAD NO KNOWLEDGE OF THESE OPERATIONS OTHER THAN WHAT HE READ IN THE PAPERS.

A DIRECT QUESTION WAS ASKED IF SA KEHOE WAS AWARE THAT A PIECE OF CORRESPONDENCE HAD BEEN FOUND IN THE MEDIA BREAK-IN INDICATING THAT MAIL OPENINGS WENT ON AS LATE AS L970.. THE ANSWER WAS GIVEN THAT HE HAD READ THIS STATEMENT IN THE PAPERS, AND IT WAS THEN ASKED HOW HE WOULD EXPLAIN THIS. HE REPLIED THAT HE HAD NO KNOWLEDGE OF THIS WHATSOEVER., BUT THAT IF THE BUREAU ISSUED A STATMENT ADVISING THAT ALL MAIL OPENINGS CEASED IN L966, THEN THERE WAS AN EXPLANATION, BUT SA KEHOE WAS UNAWARE OF IT.

A QUESTION AS TO WHAT SPECIFIC INDICATORS WERE LOOKED FOR IN SAM SURVEY WAS NOT ANSWERED ON THE GROUNDS THAT SUCH INFORMATION REPRESENTED A SENSITIVE TECHNIQUE THAT WAS STILL VIABLE.

AT NO POINT IN THE PROCEEDINGS DID SA KEHOE EXCERCISE HIS RIGHT TO CONSTITUTIONAL PRIVILEGE UNDER TE FIFTH AMENDMENT.

~~CLASSIFIED BY 6444, XGDS 2 AND 3, INDEFINITE.~~

END.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 7/8/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

#MORI6 SP-2 ALM/JTG 10/11/00

Mr. Callahan requested that a research be conducted to determine whether the FBI or the Department of Justice would be authorized to pay for private counsel for employees called to testify before the Senate Select Committee and who desired private counsel.

I advised Mr. Callahan that the position of the FBI and the Department is that we could not provide counsel directly to the individuals because of the potential conflict of interest between the rights of the individual and the duties of our officers. However, I told him that to my knowledge the question concerning whether the Government could pay for private counsel selected by the employee has not been researched. Mr. Callahan therefore requested that the research be conducted.

RECOMMENDATION:

That the Administrative Division and Legal Counsel confer and prepare an appropriate response to Mr. Callahan's request.

1 - Mr. Wannall
1 - Mr. Walsh
1 - Mr. Daly
1 - Mr. Donahue
1 - Mr. Mintz

REC-42 62-116395-540

AUG 1 1975

JAM:mfd
(6)

84 [illegible] 25 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 7/23/75

FROM : Legal Counsel

#MDR16
10/11/00 SP-2 ALM/JG

SUBJECT: AUTHORITY OF FBI AND DEPARTMENT OF JUSTICE TO RETAIN PRIVATE COUNSEL TO REPRESENT EMPLOYEES

Legal Counsel memorandum to you dated 7-8-75 captioned "Senate Select Committee on Intelligence Activities," recommended that the Administrative Division and Legal Counsel Division confer and prepare an appropriate response to Mr. Callahan's request that research be conducted to determine whether the FBI or the Department of Justice would be authorized to pay for private counsel for employees who are called to testify before the Senate Select Committee and who desire private counsel. We have also undertaken to present the statutory considerations governing the provision of such representation in a legal proceeding as distinguished from a legislative hearing.

Title 5, United States Code, Section 3106, states:

> "Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or an employee thereof is a party, or is interested, or for the securing of evidence therefor, but shall refer the matter to the Department of Justice. . . ."

62-116395-539
ST-108
AUG 1 1975

This statutory prohibition makes it clear that only the Attorney General has the authority to make a contract for special employment of an attorney. This Bureau, as an agency of the Department of Justice, obviously does not have authority to do that which is denied to Executive departments which are otherwise of coequal stature to the Department of Justice.

1 - Mr. Callahan
1 - Mr. Jenkins
1 - Mr. Donahue
1 - Mr. Adams
2 - Mr. Mintz
1 - Mr. Walsh

PGD:mbk

(CONTINUED - OVER)

84 AUG 25 1975

Memorandum to Mr. J. B. Adams
Re: Authority of FBI and Department of Justice
to Retain Private Counsel to Represent Employees

An examination of our budgetary language by representatives of the Administrative Division and this Division does not disclose any explicit or implicit authority which would qualify as "otherwise authorized by law, . . ." under the above statute. The statutory authority for provision of private counsel is contained in Title 28, United States Code, Section 515, which gives the Attorney General the authority to appoint and pay special attorneys. However, this authority is circumscribed by the statement that these attorneys "may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States Attorneys are authorized by law to conduct. . . ." It is evident then that this authority pertains only to proceedings held within the judicial system, not to hearings held before a legislative body. Such a hearing is not a "legal proceeding" and is not one "which United States Attorneys are authorized by law to conduct. . . ."

In the event that employees need representation in a legal proceeding and the Department believes that a potential conflict of interest would prevent it from providing counsel, outside counsel could be appointed and paid under the statute up to the monetary limits fixed. Whether the Department would allow the individual employee to designate or select the outside counsel would be a matter of Departmental policy but we see no reason why such an individual selection would not ordinarily be approved.

We are aware that the Central Intelligence Agency (CIA) has recently engaged the law firm of Arnold and Porter and that Mr. Mitchell Rogovin of that firm has been designated as the individual attorney to represent that agency. Inquiry with CIA has determined that the authority relied on for this action is Title 50, United States Code, Section 403j, which states:

(CONTINUED - OVER)

> "(a) Notwithstanding any other other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including --
>
> "(1) personal services, including personal services without regard to limitations on types of persons to be employed. . . ."

We would emphasize, however, that the counsel hired apparently represents the CIA, not individual employees, and that private counsel has the same problems as does their "in-house" counsel. Therefore, no firm or individual hired by that agency can provide counsel to the individual employee in any situation which presents a potential conflict between the interests of the individual and the interests of the agency.

CONCLUSION:

We conclude that there is no authority for either the FBI or the Department to pay for private counsel selected by employees called to testify before the Senate Select Committee or any other legislative body. If an employee called to testify in such a forum desires private counsel, or where a potential conflict of interest makes representation by "in-house" counsel or the Department impossible, the employee must decide if the possible consequences warrant the personal expense of such counsel and, if so, responsibility for payment rests with him.

Furthermore, private counsel retained by an agency having authority to do so would be under the same disabilities as "in-house" or Departmental counsel in situations presenting a potential conflict of interest.

(CONTINUED - OVER)

Memorandum to Mr. J. B. Adams
Re: Authority of FBI and Department of Justice
to Retain Private Counsel to Represent Employees

The only authority for payment by the Department of private counsel would be in a legal proceeding in the judicial system under Title 28, United States Code, Section 515.

RECOMMENDATION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. W. R. Wannall

DATE: 7/24/75

FROM : W. O. Cregar

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. D. Ryan
1 - Mr. S. F. Phillips

SUBJECT: SENSTUDY 75

This memorandum records Bureau waiver from secrecy agreement for interview of Atlanta Field Office (FO) SA Edward A. Shea by Senate Select Committee (SSC) Staff Members at Atlanta, 7/22-23/75.

Supervisor S. F. Phillips of the Senstudy 75 Project was in Atlanta 7/22/75 in connection with the interviews there of six SAs (five from Atlanta FO; one who traveled to Atlanta from Knoxville FO) by SSC Staff Members Michael Epstein and Mary DeOreo. Interviews concerned the former FBI investigation of Martin Luther King, Jr. At approximately 5:00 p.m., 7/22/75, Epstein telephonically contacted Phillips and advised that one of the interviews developed information resulting in his desire to interview a seventh SA, Edward A. Shea of the Atlanta FO. In order to avoid another trip to Atlanta, Epstein asked if Phillips could obtain FBI clearance for the interview which would concern: (1) any possible COINTELPRO operations in Atlanta with respect to King or the Southern Christian Leadership Conference (SCLC); (2) Shea's assignment to a "file review or file retrieval" project during past year concerning COINTELPRO; and (3) concerning COINTELPRO "generally." (It should be noted that earlier this year, Shea handled a project relating to classifying documents in Atlanta files regarding COINTELPRO. Shea advised Phillips of this and also said that he does not recall seeing any documents regarding COINTELPRO/SCLC - KING.) Epstein desired to interview Shea the morning of 7/23/75.

62-116395 EX 104 REC 17 62-116395-538

1 - 67- (Personnel File SA Edward A. Shea)

5 JUL 31 1975

SFP:lhb
(8)

CONTINUED - OVER

84AUG 2 1975

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

On basis of foregoing request, Phillips telephonically contacted Assistant Director (AD) Mintz who granted clearance for (1) and (2) above and suggested withholding clearance on (3) pending further request from Epstein after interview on items (1) and (2). Mintz asked that Phillips touch base with AD Wannall for his concurrence. In the absence of Wannall who was out of the building, Deputy AD T. Leavitt concurred with Mintz. At about 5:30 p.m., 7/22/75, Epstein was telephonically advised by Phillips as indicated above--clearance for (1) and (2); not for (3) at this time. Arrangements were then made for interview of Shea morning of 7/23/75.

Subsequent interview of Shea (being reported separately) apparently satisfied Epstein and it does not appear there will be any further request as to item (3).

ACTION:

None. For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. N. P. Callahan
1 - Mr. T. J. Jenkins
1 - Mr. J. B. Adams

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
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Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. W. R. Wannall

DATE: 7/16/75

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP2ALM/JTG

This memorandum records that no effort is being made to respond to a request of the Senate Select Committee (SSC) dated 6/27/75, pursuant to instructions of the Deputy Attorney General, until such time as the Department can obtain clarification from the SSC regarding the meaning of paragraph 2 in the SSC's letter of 6/27/75.

Memorandum Wannall to Adams, dated 6/30/75, reviewed a draft copy of the SSC's letter to the Department. This draft copy is dated 6/25/75. It is identical in content with the final version dated 6/27/75.

Memorandum Cregar to Wannall, dated 7/2/75, reported the results of a meeting in the office of the Deputy Attorney General on the morning of 7/2/75. In this memorandum it was pointed out that the Deputy Attorney General found considerable difficulty in understanding paragraph 2 of the SSC's draft of a letter dated 6/25/75. He noted that in view of the ambiguities found in the letter, as well as the lack of any specific agreement entered into with the SSC by the Department and/or the FBI, the Department should prepare a letter over the Attorney General's signature asking for clarification. In the meantime, the Deputy Attorney General advised that we should take no action responsive to the requests levied on the FBI in this letter. To date, we have received no information from the Department that a letter asking for clarification of the SSC has been sent.

REC-10 62-116395-537

Enclosure

EX 104

62-116395

5 JUL 31 1975

WOC:lhb
(6)

ENCLOSURE

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

The purpose of this memorandum is to note for the record that no effort is being made to develop responses to the SSC request of 6/27/75 until such time as the Department obtains the clarification described above. This position was noted during a conference that the Director and other Bureau officials had with the Attorney General on the morning of 7/15/75.

Enclosed herewith is a copy of the 6/27/75 request mentioned above.

ACTION:

For information and record purposes.

FRANK CHURCH, IDAHO, CHAIRMA
JOHN G. TOWER, TEXAS, VICE CHAI

PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.

HOWARD H. BAKE, TENN.
BARRY GOLDWATER, ARIZ.
CHARLES MCC. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

June 27, 1975

RECEIVED
JUL 31 1975
OLA

The Honorable Edward H. Levi
Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

Enclosed with this letter are notifications concerning certain matters currently under investigation by the Select Committee which relate to government entities under your jurisdiction.

These notifications are submitted pursuant to an agreement between the Committee, the various intelligence entities, and the White House. Pursuant to that agreement, the various entities in the Executive Branch have agreed not only to make available the pertinent witnesses, but also to submit in response all information and material which they possess that is relevant to the areas and cases which the Committee wishes to investigate. The response should include all relevant underlying documentation and other information, including documents which may not have come to the Committee's attention and which the Committee has not specifically requested, and all material relating to any prior Executive Branch inquiry into the matter. In addition, we would welcome a current analysis of the particular questions raised by the Committee and any other observations on the subject that you believe would be helpful.

We welcome the promise of cooperation and full disclosure that underlies that agreement. Success in fulfilling the full disclosure policy contained in the agreement is indispensible to the Committee's analysis and to the formulation of our ultimate findings, conclusions, and recommendations.

OFFICE OF LEGISLATIVE AFFAIRS
FEDERAL BU. OF INV.
DEPARTMENT OF JUSTICE
RECD
OFFICE OF LEGISLATIVE AFFAIRS

10/10/00 SP-2 ALM/dTG
#mDR16

ENCLOSURE 62-116395-537
FEDERAL BU. OF INV.

Within the Committee mandate, contained in S. Res. 21, there are four broad subjects relating to the intelligence community which we are required to investigate and study in order to determine the facts and ultimately to decide whether to make recommendations for legislative or other changes. They are:

1. The structure, performance, and utility of government operations with respect to intelligence activities.

2. Whether certain policies or practices are or are not illegal, unethical, or otherwise improper.

3. Whether there has or has not been excessive duplication or inadequate coordination between and among intelligence agencies and, more generally, the efficiency of intelligence activities.

4. Whether there has or has not been adequate internal and external control and oversight over the policies and practices of intelligence agencies.

In attempting to find the answers to these fundamental questions, the Committee is proceeding in two ways. First, we are examining intelligence functions broadly as instruments of government policy, giving attention to the authority for particular functions, the problems which intelligence activities are designed to solve, the procedures by which intelligence activities are and have been proposed, approved, executed, evaluated, and terminated, the range and scope of the activities utilized to achieve intelligence objectives, and the propriety and utility of the activities undertaken. Second, we will examine in depth certain subjects within the broad topics of investigation. (We would, of course, welcome your suggestion of other cases that would give added insight into intelligence matters under your jurisdiction.) These specific subjects for investigation are not intended to limit the scope contained in the more general questions.

June 27, 1975

The annexed notifications spell these matters out in greater detail. In addition, they ask certain specific questions, set forth certain previously requested documents not yet received, request additional documents,* and, in some cases, ask for the names and present addresses of persons who have held certain positions. Where appropriate, the subject's description indicates that, pursuant to the agreed Outline for Inquiry Procedures, the matter primarily concerns allegations of abuse or other controversial specific matters where there is reason to believe improprieties may have occurred. Finally, the notifications indicate the name(s) of the staff member(s) who, in addition to the Committee's senior staff, will be responsible for the particular matters.

The Committee, in the course of the next few months, will undertake other subjects for investigation as its work proceeds and will notify you as appropriate.

We look forward to your cooperation in these matters.

Sincerely yours,

Frank Church
Chairman

John Tower
Vice Chairman

evel

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* These specific requests are not, of course, intended to limit the agreement to come forward with all relevant information and material, including documents, whether or not they have been brought to the Committee's attention or have been specifically requested by the Committee.

FEDERAL BUREAU OF INVESTIGATION

(Including DEPARTMENT OF JUSTICE)

Table of Contents

FEDERAL BUREAU OF INVESTIGATION
(INCLUDING DEPARTMENT OF JUSTICE)

I. Issues

The Committee's inquiry into the intelligence and counterintelligence activities of the Federal Bureau of Investigation is examining fundamental issues which bear directly on the adequacy of current legislation and administrative organization and procedure. The Committee seeks to determine whether FBI intelligence and counterintelligence activities achieve legitimate objectives in conformity with the rule of law. Among the basic issues to be addressed are the following:

A. What is the legal authority for FBI intelligence and counterintelligence activities? Should the FBI's authority be clarified or revised or incorporated in a comprehensive statutory charter?

B. What limitations are placed on FBI intelligence and counterintelligence activities by the Constitution and laws of the United States? Should these limitations be clarified or revised?

C. What have been the purposes and aims of FBI intelligence and counterintelligence activities? Should these objectives be modified?

D. How have the intelligence and counterintelligence activities of the FBI been organized and coordinated with other agencies of government? Should these procedures and practices be revised?

E. What have been the procedures for and techniques of intelligence gathering and dissemination and counterintelligence operations used by the FBI? Under what conditions and through what procedures should these methods and techniques be used in the future?

F. What have been and should be the mechanisms for internal and external policy-making, control, and supervision of FBI intelligence and counterintelligence activities?

As a means of examining the above issues in the context of actual FBI intelligence operations, the Committee intends to study certain specific topics, some of which are general in nature, and others of which involve specific cases, programs or techniques. Part II, below, contains descriptions of the general areas into which the Committee intends to inquire. Part III contains descriptions of the specific cases mentioned above. The descriptions specifically indicate whether the investigation may concentrate on specific allegations of possible abuses or other controversial matters where there is reason to believe improprieties may have occurred. In addition to the topics described below, additional areas of inquiry may develop during the course of the Committee's work.

II. Areas of General Inquiry

A. Legal Authority for FBI Intelligence and Counterintelligence Activities

The Committee is examining the legal basis for FBI intelligence and counterintelligence activities. There may be serious question as to the adequacy of the present legislative framework for the FBI's functions in these fields. Current statutes authorize the FBI to perform investigative and law enforcement functions, but they do not specifically authorize intelligence or counterintelligence activities. Therefore, the Committee seeks to determine whether the FBI's authority should be clarified, revised, or incorporated in a comprehensive statutory charter.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

B. Organization and Operation of the FBI Intelligence Division

The Committee is investigating the structure and operating practices of the FBI Intelligence Division. Proposals have been made that the national security intelligence and counterintelligence functions of the FBI should be lodged in a separate agency or otherwise separated from the FBI's criminal investigative activities. Further recommendations have been advanced for improved coordination between the FBI and other intelligence agencies, for strengthened supervision of FBI intelligence and counterintelligence activities by the Attorney General or an independent board, and for clearer standards and procedures for FBI activities in this area. Therefore, the Committee desires complete information on the operating practices and procedures of the FBI Intelligence Division and of the field office activities supervised by the Intelligence Division.

The Committee's inquiry focuses on the following specific areas:

1. <u>FBI Internal Security Intelligence Operations</u>

The Committee seeks to determine the nature and purpose of FBI intelligence operations directed at foreign intelligence activities and subversive or extremist activities within the United States. It has been alleged that the scope of FBI intelligence investigations is too broad and has extended to legitimate political activities. Consequently, the Committee must examine how the FBI's responsibilities have been defined.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

2. <u>The FBI and the U. S. Intelligence Community</u>

The Committee seeks to determine what have been the policies and procedures for coordination between the FBI and other agencies in the U. S. intelligence community. There have been occasions in the past where friction between the FBI and other agencies has produced serious dissatisfaction within the U. S. intelligence community. The purpose of this inquiry is to evaluate the adequacy of past and present coordinating mechanisms.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

3. FBI Foreign Counterintelligence Operations

The Committee seeks to determine the nature of FBI counterintelligence operations directed at foreign intelligence activities within the United States or at any other hostile foreign-related activities within the United States. Since FBI operations to "counter" these activities go beyond intelligence collection, the Committee must consider whether such practices require statutory authorization. The impact of counterintelligence operations on United States foreign relations will also be considered.

Responsible staff: Senior staff
Task Force leader
Loch Johnson
Barbara Banoff

4. Inspection Division Investigations

The Committee is examining the relationship of the FBI Inspection Division to FBI intelligence and counterintelligence activities. This includes both regular Inspection Division reviews of Intelligence Division and field office functions and specific investigations of allegations of improper conduct in connection with FBI intelligence activities.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

5. FBI Intelligence Activities and State or Local Law Enforcement Agencies

The Committee seeks to determine the nature of the relationships between FBI intelligence activities and state and local law enforcement agencies. This subject involves the delicate balance between the necessary centralization of certain law enforcement activities and the Constitutionally-mandated decentralization of general law enforcement responsibility. It is necessary for the Committee to evaluate the centralizing influence of the FBI, as well as the FBI's role as a check on local law enforcement abuses.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein
Walter Ricks

III. Case Studies

General Questions

The descriptions which follow of the specific cases the Committee intends to study are intended to serve the dual purpose of notifying the FBI of the issues the Committee will explore in connection with each case and eliciting from the FBI all information and material in its possession relating to the questions the Committee wishes to explore in each case. In order to avoid unnecessary repetition of certain questions which will be basic to the Committee's investigations of each case, certain fundamental questions are set forth below. As to each case described, the Committee intends to explore these fundamental questions, and expects that the FBI will, as to each case, provide all information and material it has relating to these basic questions even though they are not repeated in the discussion of each particular area.

1. What is or has been the legal authority for the activity?

2. What have been the purposes of the activity?

3. What techniques have been employed in the activity?

4. What kinds of information have been gathered in the activity?

5. How have specific uses of the activity been initiated and approved?

6. How have the targets for the activity been selected?

7. What have been the criteria for target selection?

8. How has the intelligence which is collected been used?

9. To whom has the intelligence collected been disseminated?

10. What has been the basis for any dissemination with respect to each recipient?

11. How has the activity been coordinated with other intelligence agencies?

12. What have been the effects of this coordination?

13. To what extent has each of the foregoing been compatible with the legal authority for and the purposes of the activity?

14. By what means has the activity been monitored, controlled and administered?

15. What are the potential abuses to which the activity may lead?

16. To what abuses has the activity led?

17. What steps have been taken to investigate such abuses?

18. What steps have been taken to avoid such abuses?

19. What have been the costs and utility of the activity?

In some instances, the specific questions set forth below may appear to repeat some of the general questions. The purpose in such cases is simply to clarify the application of the general question to the specific case. Except where inapplicable by their terms, all general questions relate to each specific case.

A. Electronic Surveillance

The Committee is examining all forms of electronic interception of communications including wiretapping, electronic eavesdropping, consensual electronic surveillance interception of video and data communications, local monitoring devices, and all other forms of electronic or technical monitoring. The Committee's general questions apply to each of the techniques listed above, as well as to the matters set forth in the following specific cases.

1. Warrantless Electronic Surveillance

The Committee seeks to determine whether the Attorney General should have the authority to authorize electronic surveillance for certain purposes without a prior judicial warrant. This power has been exercised by succeeding Attorneys General since 1940, upon the explicit directive of the President. The Supreme Court has ruled that this power does not extend to purely domestic matters, but the remaining scope of the Attorney General's authority remains undefined by the Supreme Court.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. What is the scope and basis of the claim of Executive authority to conduct warrantless electronic surveillance?

b. What have been the procedures for consideration and approval of requests for warrantless electronic surveillance authorized by the Attorney General?

c. What are the specific disadvantages of the judicial warrant requirement for those electronic surveillances which have been authorized by the Attorney General?

d. Does the Fourth Amendment permit the issuance of judicial warrants for electronic surveillance on grounds other than ordinary probable cause where national security intelligence purposes are advanced to justify the surveillance?

e. To what extent are the specific procedures of Title III of the Omnibus Crime Control Act of 1968 inappropriate for electronic surveillance conducted for national security intelligence purposes?

Documents

The Committee requests the following additional documents bearing on the questions stated above:

a. All written justifications for the specific authorizations by the Attorney General for warrantless electronic surveillance from January 1, 1960, until the present.

b. All documents reflecting the denial by the Attorney General of specific requests for warrantless electronic surveillance from January 1, 1960, until the present.

c. Committee staff access to information contained in the impounded documents, depositions, and other materials in all pending civil suits which involve warrantless electronic surveillance and in which the Committee has received the consent of the plaintiffs for such access.

Responsible staff: Senior staff
Task Force leader
Mike Epstein

2. Warrantless Electronic Surveillance and "Leaks"

The Committee is examining several instances of the use of warrantless electronic surveillance and other investigative techniques in connection with "leaks" of classified information. These cases may involve specific allegations of abuse or other controversial matters where there is reason to believe improprieties may have occurred. These instances include:

a. The investigation of alleged "leaks" by or to 17 Executive officials and newsmen between May 1969 and February 1971.

b. The investigation of alleged "leaks" from a military staff member assigned to the National Security Council in 1971-72.

c. The reported investigation of columnist Joseph Kraft in 1969.

d. The reported investigation of the activities of Mrs. Anna Chennault and Vice Presidential candidate Spiro Agnew in 1968.

e. Any other instances of warrantless electronic surveillance in connection with the investigation of "leaks" to the press.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. Through what procedures and by whom were each of these electronic surveillances authorized and approved, continued, and terminated?

b. As to each person to whom information was disseminated, please state:

(1) The nature of the information.

(2) The basis for the dissemination.

(3) The date of each dissemination.

(4) The use which was in fact made of the information by the recipient.

c. What evaluations were made of the original grounds for the surveillance as it progressed?

d. What were the results of the evaluations?

e. Who made them?

f. What are the reasons for use of electronic surveillance without judicial warrant to investigate "leaks" of classified information to the press?

g. How does each of the above instances relate to these reasons?

h. To what extent would requirement of a warrant interfere with the ability to detect such leaks?

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

3. Surveillance of Dr. Martin Luther King

This investigation examines the authorization for, conduct and termination of, and deliberations regarding the surveillance of Dr. King. This case may involve specific allegations of abuses and other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. Through what procedures and by whom were wiretaps and electronic bugs of Dr. King initiated, approved, continued, and terminated?

b. What were the locations, extent, and duration of the electonic surveillances of Dr. King?

c. What were the grounds of national security, if any, for the introduction of the electronic surveillances of Dr. King?

d. What was the relationship between the information collected and each of the purposes of the surveillance?

e. What evaluations were made of the original grounds for the surveillance as it progressed?

f. What were the results of those evaluations?

g. Who made them?

h. What periodic evaluations were made of the relationship between the information being collected and the original objectives of the surveillance?

i. What were the results of the evaluations?

j. Who made them?

k. To whom were any results of the surveillance disseminated?

l. As to each person to whom information was disseminated, please state

(1) The nature of the information.

(2) The basis for the dissemination.

(3) The date of each dissemination.

(4) The use which was in fact made of the information.

Responsible staff: Senior staff
Task Force Leader
Mike Epstein

4. Surveillance at the Democratic National Convention, Atlantic City, 1964

The Committee is examining the use of surveillance and other intelligence operations in Atlantic City, New Jersey, on or about the time of the Democratic National Convention in 1964. This case may involve specific allegations of abuses and other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. Did the FBI conduct electronic surveillance and other intelligence operations at this time and place?

b. Who were the targets?

c. Through what procedures and by whom were the decisions made to engage in electronic surveillance and intelligence operations at this time and place?

d. What were the nature, extent, and duration of the electronic surveillance and other intelligence operations at this time and place?

e. What was the relationship between each target selected and the purpose of the surveillance?

f. Was the FBI requested to conduct such surveillance by any person or organization outside the FBI?

g. If so, by whom, when, and for what stated reason?

h. To whom were the results of the surveillance disseminated?

i. As to each person whom information was disseminated, please state

(1) The nature of the information.

(2) The basis for the dissemination.

(3) The date of each dissemination.

(4) The use which was in fact made of the information.

Responsible staff: Senior Staff
Task Force Leader
Mike Epstein

B. Surreptitious Entry

The purpose of this inquiry is to determine the extent to which the FBI has used surreptitious entry as an intelligence technique, either through its own operations or through operations by other agencies and individuals. This case may involve allegations of abuse and controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. What are the scope and basis of the claim of Executive authority to conduct warrantless surreptitious entry as asserted by the Department of Justice in United States v. Ehrlichman?

2. What surreptitious entries have been carried out by the FBI or by another government agency with the knowledge of the FBI from January 1, 1960, to the present? Please list by date, place, and target.

3. As to any instance in which the FBI has refused to comply with another agency's request for surreptitious entry, what was

   a. The basis for the refusal?

   b. The reason given for the request?

4. What procedures were employed to authorize any surreptitious entry identified under 2, and who authorized each such entry?

5. To the extent applicable by their terms, each of the above questions and the General Questions will be explored specifically with reference to any entry or proposed entry at an embassy in May 1972.

Responsible Staff: Senior Staff
Task Force Leader
Mike Epstein
Paul Wallach

C. Mail Covers and Mail Openings

The Committee is examining the conduct of mail covers and mail openings by or on behalf of the FBI and any instances of mail openings or intercepts which may have been conducted by or on behalf of the FBI. This inquiry may involve allegations of abuse or other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. The specific purposes of all mail covers conducted in connection with FBI intelligence and counter-intelligence activities. This includes all documents pertaining to FBI decisions to request Postal Service mail covers and lists of all subjects upon whom mail covers have been placed as a result of FBI requests since January 1, 1960.

2. The procedures and practices for the dissemination of information from mail covers requested by the FBI. This includes a list of all entities to whom mail cover information has been disseminated since January 1, 1960.

3. Whether or not FBI personnel may have conducted mail covers in violation of existing Postal Service regulations. For any mail covers which may have been conducted by FBI personnel or for the FBI by persons other than Postal Service employees, from January 1, 1960, to the present: identify the physical location where the mail cover was conducted, the names of all persons who participated in and authorized the mail cover, and a brief explanation of the purpose of the mail cover and why it was initiated.

4. Whether or not the FBI has opened mail or caused mail to be opened, either with or without the permission of the Postal Service. For all incidents of mail opening which may have been conducted by FBI employees or by other persons in cooperation with the FBI, from January 1, 1960, until the present: identify the physical location where the mail was opened or intercepted, the names of the individuals who participated in the opening or intercept, and the purpose of the opening or intercept.

Documents

The Committee requests the following additional documents bearing on the questions stated above:

1. All documents which discuss, refer to, or relate to the origins, authorizations, conduct, and termination of and procedures for the mail covers, intercepts, and openings identified in 3 and 4 above.

Responsible Staff: Senior Staff
Task Force Leader
Paul Wallach

D. Other Specific Techniques

As to the following techniques, the Committee's inquiry will initially be confined to the General Questions. As the inquiry proceeds, areas of potential abuse and thus of specific inquiry beyond the General Questions may develop:

1. Incommunicado detention and interrogation.

2. Photographic and television surveillance.

3. Polygraphs.

4. The obtaining of bank, credit, school, and other personal records and information, including the obtaining of information under false pretext.

E. COINTELPRO and Disruptive Activities

The Committee is investigating the circumstances surrounding the origins of, authorization for, and implementation of the FBI program known as COINTEL-PRO and any similar programs. This inquiry may involve allegations of abuse and controversial matters where there is reason to believe improprieties may have occurred. The scope of this investigation covers:

1. COINTELPRO -- Communist Party USA;

2. COINTELPRO -- Socialist Workers Party;

3. COINTELPRO -- White Hate Groups;

4. COINTELPRO -- Black Extremists;

5. COINTELPRO -- New Left;

6. COINTELPRO -- Special Operations (except as targeted against hostile foreign intelligence services);

7. COINTELPRO -- Puerto Rican Independence Groups;

8. COINTELPRO -- Operation Hoodwink

9. Any other activities of the FBI which have or have had the purpose and effect of disrupting domestic groups or discrediting U.S. citizens, whether or not carried out under a COINTELPRO program.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. Under what circumstances, through what procedures, and by whom were these programs initiated, authorized, and terminated?

2. Under what circumstances and through what procedures did the FBI discover and report to the Attorney General the existence of items 7 and 8 identified above and similar disruptive activities not included in the original review of COINTELPRO activities conducted by the Department of Justice in 1974?

3. What were the purposes of each program?

4. In each case, by what means was it intended the purpose would be accomplished?

5. What internal FBI procedures were adopted for the consideration and approval of specific disruptive activities and for determining the results of such activities?

6. As to each operation listed above, and any others of a fundamentally similar kind, identify by type the sources of the information used against individuals and groups for disruptive purposes.

7. As to each instance in which such information was obtained through electronic surveillance

   (a) What or who was the target of the surveillance?

   (b) Was the surveillance legal?

   (c) Was the surveillance conducted pursuant to warrant?

   (d) What were the dates of the surveillance?

   (e) What were the precise means of surveillance?

   (f) Who authorized the surveillance (both within and without the FBI)?

   (g) What was the purpose of the surveillance?

8. As to each case listed above and all fundamentally similar cases, what was the legality and propriety of the distruptive activities? Should any of the activities referred to in the above sentence be forbidden by statute, considered for future use, or otherwise subject to statutory or administrative regulation?

9. In what activities has the FBI engaged since April 28, 1971, the purpose or effect of which has been to disrupt domestic groups or discredit U.S. citizens or which bear any other similarity to the purposes or effects of COINTELPRO activities?

10. What restrictions, directives, or other measures have been adopted by the FBI and the Justice Department to limit or regulate the use of such disruptive techniques?

The Committee will investigate all COINTELPRO and disruptive activities identified above. On the basis of a review of the summaries of COINTELPRO cases prepared for the so-called Petersen Committee, as well as other sources of information, the Committee will develop further requests for information and documents.

Responsible Staff: Senior Staff
Task Force Leader
Les Seidel
Mike Epstein
Walter Ricks

F. Clandestine Informant Activities

The Committee is examining all aspects of the FBI's use of informants, sources, and undercover personnel and the techniques employed by such persons. Although informants are the single most productive source of intelligence information, the difficulties of controlling their activities may increase the possibility of improper conduct. The use of informants to infiltrate organizations also may pose dangers to the right of associational privacy. Consequently, proposals have been made for the imposition of a judicial warrant requirement or other safeguards for the use of informants. The Committee seeks to evaluate such proposals as well as the contributions of informants to the accomplishment of legitimate objectives.

In addition, the Committee is examining informant activities with respect to several particular situations and cases. This investigation may involve specific allegations of abuse or controversial matters where there is reason to believe improprieties may have occurred. The Committee's inquiry covers the general circumstances surrounding the following incidents or cases:

a. Wounded Knee;

b. Kent State;

c. New York v. Stroble (Attica);

d. United States v. Buckalew (Gainesville);

e. United States v. Briggs (Camden);

f. New York v. Dillon (Hobart College);

g. United States v. Marshall (Seattle).

Additional cases may also be examined.

In addition to the above cases, the Committee is examining the role of FBI informants in providing information to the FBI concerning members of the following organizations:

a. Ku Klux Klan;

b. Students for a Democratic Society;

c. Weathermen;

d. Black Panther Party;

e. Communist Party USA;

f. W.E.B. DuBois Clubs.

Additional studies of informant activities with respect to members of other organizations may be formulated.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. With respect to both categories of cases listed above, what allegations, whether unfounded or not, of improper, illegal, unethical, or provocative conduct by FBI informants have been made in connection with these situations or groups?

2. What measures has the FBI taken to investigate such allegations of misconduct and to prevent such alleged misconduct from taking place in the future?

3. What instructions has the FBI given to its informants with respect to possible improper, illegal, unethical, or provocative conduct?

4. What has been the largest number of informants, sources, and undercover personnel in use at any one time during each year from 1960 until the present in connection with security, intelligence, and counterintelligence matters, cases, and programs?

5. What has been the annual total amount of funds (including reimbursement for expenses) paid to informants and sources for each year from 1960 until the present?

6. What limits, if any, have been placed on the type of information which informants have been intrusted to report back to the FBI?

7. What have been the annual percentage of potential informants who became paid informants in connection with security, intelligence, and counterintelligence matters, cases, and programs from 1960 until the present?

Documents

Please provide a summary of ten cases (for each of the following categories) where the FBI's use of informants, sources, or undercover personnel resulted in:

1. the conviction of an espionage agent of a foreign government.

2. the prevention of the theft of national security information.

3. the prevention of sabotage.

4. the prevention of an act of violence.

5. the prevention of the carrying out of a conspiracy to overthrow the government.

6. any other successful preventive actions in furtherance of the FBI's national security responsibilities.

Responsible staff: Senior staff
Task Force leader
Mike Epstein
Jack Smith
Walter Ricks
Pat Shea

G. "Notional" Organizations

The Committee is examining the FBI's alleged creation of the support for "notional" organizations for intelligence or counterintelligence purposes. Although it may rely upon informants and other clandestine operatives, this alleged practice is sufficiently novel to require separate attention.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. What groups, organizations, movements, or other associations has the FBI caused directly or indirectly to be formed or created for intelligence or counterintelligence purposes? Please provide a complete list from January 1, 1960, to the present.

2. What groups, organizations, movements, or other associations has the FBI supported financially or materially? Please provide a complete list from January 1, 1960, to the present.

3. In which cases has the FBI supported or created such organizations in coordination or cooperation with other agencies?

4. How have the presence of such "notional" organizations affected the public's perception of the movements of which they form a part?

5. How have any FBI programs for the creation and support of such groups been coordinated with any similar programs undertaken by the CIA or other U.S. intelligence agencies?

Responsible staff: Senior staff
Task Force leader
Mike Epstein

H. Joint FBI-Police Operations

The purpose of this inquiry is to examine certain allegations that joint FBI-police operations resulted in misconduct or abuse. These cases are complex and involve a variety of techniques. Nevertheless, they may indicate some of the most serious problems which may arise in attempting to deal with potentially violent situations.

1. The White Knights of the Ku Klux Klan, Mississippi

The Committee is inquiring into the relationships between the FBI and other law enforcement agencies and private organizations in Mississippi in connection with the White Knights of the Ku Klux Klan. The purpose of the inquiry is to determine what effect, if any, FBI activities had on the actions of other law enforcement agencies and private individuals with respect to the White Knights of the Ku Klux Klan in Mississippi. This investigation may involve allegations of abuses or other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. Was this organization a target of FBI COINTELPRO operations?

b. If so, how and by whom was it selected as a target?

c. What were the purposes of any disruptive operations directed at it?

d. To what extent were the purposes achieved?

e. What disruptive techniques, if any, were employed?

f. Over what period of time did the disruptive activities occur?

g. What evaluations were made of their effects?

h. By whom were they made?

i. What were the results of the evaluations?

j. Were FBI informants used to infiltrate the organization?

k. If so, what kinds of information did the informants gather?

l. What activities did the informants engage in other than information gathering?

m. Identify by date and names the persons involved in all contacts the FBI had with other law enforcement agencies and private groups and individuals with respect to alleged Klan bombings of Jewish synagogues and the homes of Jewish leaders in Meridian, Mississippi, during May - August 1968.

Responsible staff: Senior staff
Task Force leader
Jack Smith
Les Seidel

2. The Black Panther Party, Chicago

The Committee is inquiring into the relationships between the FBI and other law enforcement agencies in the Chicago area in connection with the Chicago chapter of the Black Panther Party. The purpose of the inquiry is to determine what effect, if any, FBI activities had on the actions of other law enforcement and intelligence agencies with respect to the Black Panther Party in the Chicago area. This investigation may involve allegations of abuses or other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

a. Was the Chicago chapter of the Black Panther Party a target of FBI COINTELPRO operations?

b. If so, how and by whom was it selected as a target?

c. What were the purposes of any disruptive operations directed at it?

d. To what extent were the purposes achieved?

e. What disruptive techniques, if any, were employed?

f. Over what period of time did the disruptive activities occur?

g. What evaluations were made of their effects?

h. By whom were they made?

i. If FBI informants were used to infiltrate the organization, what kinds of information did the informants gather?

j. What techniques did the informants employ to gather the information?

k. Were the techniques used by the informants all approved and monitored by the FBI? If not, which were not so approved?

l. What activities did the informants engage in other than information gathering?

m. What other methods and sources did the FBI use to gather intelligence on the organization?

n. If electronic surveillance was used, how did the use of such surveillance relate to each of the general questions?

o. To what extent was information on persons and groups not members of or affiliated with the Black Panther Party gathered, stored, or disseminated by the FBI as a result of its investigations of the organization?

Responsible staff: Senior staff
Task Force leader
Walter Ricks
Chris Pyle

I. The "Huston Plan"

The Committee is examining the FBI's role in the disposition of the report of the Interagency Committee on Intelligence (Ad Hoc) in 1970. This report as submitted to the President included certain options which were specifically identified as "illegal". It purported to represent the joint recommendations of all members of the U. S. intelligence community, but FBI Director J. Edgar Hoover disagreed in a series of footnotes. The serious consideration given to such allegedly illegal proposals gives this case the utmost significance for the Committee's understanding of the risks of uncontrolled intelligence activity. This case may involve specific allegations of abuse and controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. What contacts occurred between Tom Charles Huston and personnel of the FBI and the Department of Justice during 1969 and 1970? Identify by date and names of persons involved.

2. What was the purpose of each such contact?

3. With respect to any assistance provided to the Interdepartmental Committee on Intelligence (Ad Hoc) by personnel of the FBI:

   a. Who were the FBI participants?

   b. What kind of assistance was provided?

   c. What was the role of the FBI in preparing the various drafts of the special report of the Committee?

4. What were the specific arguments advanced for the inclusion of the allegedly illegal options in the special report submitted for the President's consideration? Were other allegedly illegal options considered and rejected?

5. Were any measures taken by the FBI to implement specific elements of the Huston Plan? This includes both the allegedly "illegal" aspects and other provisions such as the expanded recruitment of 18-21 year old informants.

6. What are the present views of the FBI and the Department of Justice as to the legality and propriety of the various options included in the special report?

Responsible staff: Senior staff
Task Force leader
Barbara Banoff
Loch Johnson

J. Alleged Political Misuse of the FBI

The Committee is investigating allegations that the intelligence and investigative resources of the FBI have been misused by various Presidents, Attorneys General, Members of Congress, and FBI executives themselves. This subject may involve specific allegations of abuse and other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. Have persons outside the FBI sought the FBI's assistance for partisan political purposes or personal advantage? Please identify each instance by the name of the person seeking to so use the FBI, the date, and the nature of the assistance sought.

2. In each such case, what has been the response of the FBI?

3. Have persons inside or outside the FBI sought to employ the resources of the FBI for purposes outside the FBI's authority? Please identify each instance by the name of the person seeking to so use the FBI, the date, and the purpose for which the person sought to use the FBI.

4. In each such case, what has been the response of the FBI?

5. What measures has the FBI employed to

   a. Respond to critics.

   b. Affect the reputation or credibility of or otherwise discredit critics.

6. What were the nature, purpose, duration, and results of Project INLET involving preparation of an intelligence letter for the President and other Executive officials?

7. With respect to any so-called "secret files" maintained within the FBI, including the "official and confidential" and"personal and confidential" files maintained by the executive assistant to the FBI Director J. Edgar Hoover on his behalf until the time of his death, the Committee seeks to establish the contents of such files, the circumstances surrounding the transfer of a portion of such files within the Bureau at the time of Director Hoover's death, the transfer of a portion of such files to Mr. Hoover's residence, the destruction of any such files, the transfer of any such files from Mr. Hoover's residence, the use of information within such files, and their relationship to the official investigative files of the FBI. The Committee desires all information bearing on these matters, including the results of any inquiries conducted within the FBI and the Department of Justice.

8. What measures have been taken to ensure that the intelligence and investigative resources of the FBI are not misused for political purposes or personal advantage.

9. What additional measures should be taken?

Responsible Staff: Senior Staff
Task Force Leader
Mark Gitenstein

IV. Department of Justice

The Committee is examining activities of divisions of the Justice Department other than the FBI which perform internal security and intelligence functions. The purpose of these inquiries is to determine whether these functions have been carried out in conformity with the rule of law.

A. The Attorney General

The Committee is studying the functions of the Attorney General with respect to the supervision of and policy-making for internal security and intelligence activities. The Committee seeks to determine whether his duties are properly defined and his office properly organized to perform these functions effectively.

Questions

The Committee requests that the Justice Department address the following specific questions:

1. To what extent has the Attorney General been involved in the consideration or approval of the policies and activities of U. S. foreign and military intelligence agencies?

2. Has the Justice Department made any agreements with the CIA or any other U. S. intelligence agency with regard to the investigation or prosecution of agency personnel?

3. Under what circumstances and for what purposes has the Office of Legal Counsel provided legal advice to the Attorney General on matters pertaining to foreign and domestic intelligence activities?

4. To what extent has the Attorney General authorized cooperation, including the exchange of information and the conduct of joint operations, between the Drug Enforcement Administration or its predecessors and the CIA or other

intelligence agencies with respect to narcotics intelligence?

5. What standards and procedures has the Attorney General adopted for:

   a. The collection, analysis, use, and dissemination of narcotics intelligence.

   b. The collection, analysis, use, and dissemination of organized crime intelligence.

   c. The use of intelligence information by the Immigration and Naturalization Service.

   d. Law Enforcement Assistance Administration grants for the support of state or local police intelligence activities and intelligence data systems.

6. To what extent have communications between the White House and the FBI or other agencies under the jurisdiction of the Attorney General bypassed the Attorney General? To what extent should such communications be channeled through the Attorney General?

7. What have been the policies and procedures of the Justice Department for evaluating the budget requests of the FBI for intelligence and counterintelligence activities?

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein
Barbara Banoff

B. The Internal Security Section (formerly Division)

The Committee is examining the activities of the Internal Security Section of the Justice Department and its predecessor, the Internal Security Division. These entities have supervised the Department's internal security law enforcement activities, coordinated certain interdepartmental internal security policies, and engaged in the collection, analysis, and dissemination of intelligence.

Questions

The Committee requests that the Justice Department address the following specific questions:

1. Under what circumstances, if any, has the Justice Department seriously considered prosecutions under the Smith Act and laws pertaining to seditious conspiracy, rebellion, or insurrection, or "subversive activities", since January 1, 1960?

2. To what extent has FBI intelligence activity provided valuable evidence for use in the prosecution of specific federal crimes?

3. What have been the practices and procedures for coordination of policy through the Interdepartmental Committee on Internal Security?

4. What have been the practices and procedures for the interdepartmental and interagency evaluation of domestic intelligence and domestic collection of foreign intelligence through the Intelligence Evaluation Committee and its predecessors?

5. With respect to the Interdivisional Intelligence Unit and the Analysis and Evaluation Section of the Internal Security Division,

   a. What have been the practices and procedures of the Unit and Section for the gathering of intelligence?

b. What type of information has been stored in readily retrievable form by the Unit and Section?

c. To whom and for what reasons has intelligence information been disseminated by the Unit and Section?

d. What were the reasons for the submission of IDIU computer printouts to the CIA, as reportedly occurred in 1969?

e. To what extent did the Unit and Section make specific requests to other agencies within and outside the Justice Department for intelligence information?

6. With respect to the use of grand juries by the Special Litigation Section of the Internal Security Division,

a. Have any allegations of misuse of the grand jury process in cases handled by Special Litigation Section attorneys come to the attention of the Department? If so, briefly describe each such allegation and what, if any, action was taken by the Department in response to such allegation.

b. To what extent, if any, did the use of grand juries in cases handled by the Special Litigation Section attorneys differ from the use of grand juries in cases handled by other sections of the Justice Department?

c. To what extent, if any, was information obtained through the use of grand juries included in the intelligence files of the Interdivisional Intelligence Unit or the Analysis and Evaluation Section?

7. What have been the practices and procedures of the Internal Security Division and the Departmental Security Office for advising the Attorney General and other executive agencies with regard to the Federal Employee Security Program?

Responsible staff: Senior staff
Task Force leader
Barbara Banoff

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 15 1975

TELETYPE

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

#MPR 16

10/10/00 SP-2 ALM/ 776

NR008 AT CODE

4:15 PM URGENT AUGUST 15, 1975 WCG

TO: DIRECTOR (62-116395)

FROM: ATLANTA (62-2854)

SENSTUDY 75

RE BUREAU TELETYPE TO ATLANTA, AUGUST 14, 1975.

FORMER SA EDWARD F. GAMBER, HOME ADDRESS 2861 GANT QUARTERS DRIVE, MARIETTA, GEORGIA, 30062, WAS CONTACTED BY ASAC THIS DATE AND ADVISED CONCERNING CAPTIONED MATTER IN ACCORDANCE WITH REBUTEL.

END

AJN FBIHQ CLR TU

62-116395-535

AUG 19 1975

REC- 102

cc 67

84 AUG 20 1975

FBI

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

August 14, 1975

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

#MDR16
10/10/00 SP-2ALM/TG

SUBJECT: Senate Select Committee Request for Documents

Attached is a request from the Senate Select Committee dated August 13, 1975, for underlying materials logically related to Department of Justice file #82-46-5. Please arrange for compliance with this request as soon as possible.

Rec'd from SSC 8/14/75

treat as original 62-116395-534

9 AUG 19 1975

REC-102

1 ENCLOSURE

62-116395

5-8

84 AUG 21 1975

[redacted]

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

August 13, 1975

#MDR 16 ... 10-10-00 SP-2 ALM 1976

Michael E. Shaheen, Jr., Esq.
Special Counsel for
Intelligence Coordination
Office of the Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Mike:

On July 17, 1975, the Committee received from the Department of Justice a summary of the material in departmental file No. 978-46-5. This was in addition to materials received by the Committee on June 25. 1975.

The Committee now wishes staff access to all underlying materials logically related to the above and maintained in the files of the Justice Department and the FBI. Please expedite this request since it is of immediate importance to the Committee.

Sincerely yours,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

RECEIVED
AUG 13 1975

62-116395-531
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 13 1975

TELETYPE

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
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Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

NR Ø24 NY CODE

7:35 P.M. NITEL 8-13-75 PLQ

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (1Ø5-1466Ø)

C O N F I D E N T I A L

ATTN: INTD

SENSTUDY, 1975.

(S) NEW YORK 6811-IA TELEPHONICALLY CONTACTED SPECIAL AGENT JOSEPH J. PALGUTA ON AUGUST 13, 1975, AND FURNISHED THE FOLLOWING INFORMATION:

ON AUGUST 11, 1975, MR. PATRICK A. SHEY, A MEMBER OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE OPERATIONS (SSCIO), TELEPHONICALLY CONTACTED NEW YORK 6811-IA (S) AND THEY MADE AN APPOINTMENT TO MEET IN NYC AT 2:ØØ PM ON AUGUST 13, 1975. SOURCE MET WITH SHEY AS ARRANGED ON AUGUST 13, 1975. SHEY TOLD SOURCE THAT SAM JAFFE (FORMER NEW YORK 2524-S) VISITED A FRIEND OF HIS, A MR. MILLER, WHO IS ALSO A MEMBER OF THE SSCIO. WHILE IN MILLER'S OFFICE, JAFFE WAS RELATING TO MILLER THAT HE HAD A

REC-102 62-116395-533

9 AUG 19 1975

#MPR 16 10/25/00
SP2 ALM/JTG

tel to AT
LFS:1132 8/14/75

84 AUG 19 1975

PLEASANT RELATIONSHIP WITH FORMER SPECIAL AGENTS (SAS) JOHN G. WILLIS AND EDWARD F. GAMBER WITH REGARD TO [SOVIET INTELLIGENCE MATTERS.] (S)

DURING THE TIME THAT JAFFE WAS RELATING ABOVE DATA TO MILLER, SENATOR CHURCH, THE CHAIRMAN OF THE SSCIO, ENTERED MILLER'S OFFICE AND BECAME VERY MUCH INTERESTED IN JAFFE'S STATEMENTS. JAFFE RELATED TO MILLER THAT AS A REPORTER FOR THE COLUMBIA BROADCASTING COMPANY, HE COVERED THE STORY INVOLVING THE RELEASE OF FRANCIS G. POWERS BY THE SOVIETS (POWERS WAS THE FORMER U-2 PILOT WHO WAS SHOT DOWN IN THE USSR IN 1960). JAFFE RELATED TO MILLER THAT THEREAFTER HE WENT TO HONG KONG. JAFFE ALSO TOLD MILLER THAT WHEN HE RETURNED FROM HONG KONG [(SOURCE BELIEVES THIS TO BE IN 1966-1968)] (S), HE LEARNED THAT HE WAS "FINGERED" BY [A SOVIET DEFECTOR BY THE NAME OF PENKOVSKIY. THIS DEFECTOR ALLEGEDLY REPORTED THAT HE SAW JAFFE'S NAME ON A PIECE OF PAPER ON THE DESK OF A SOVIET INTELLIGENCE OFFICER.] (S) JAFFE TOLD MILLER THAT THE FBI, UPON LEARNING THAT INFORMATION FELT THAT JAFFE WAS A "DOUBLE AGENT" BECAUSE OF THE COOLNESS OF BUREAU PERSONNEL TOWARD HIM WHEN HE RETURNED TO THE UNITED STATES FROM HONG KONG. JAFFE

TOLD MILLER THAT EVER SINCE HIS RETURN FROM HONG KONG, HE CANNOT HOLD A JOB, AND BELIEVES THE FBI IS THE CAUSE OF HIS PREDICAMENT. JAFFE IS OF THE OPINION THAT THE FBI IS BEING VINDICTIVE TOWARD HIM IN PURSUING THIS MATTER AND DEPRIVING HIM OF MAKING A LIVELIHOOD.

MR. SHEY TOLD THE SOURCE THAT THE SSCIO IS LOOKING INTO THE ABOVE MATTER TO DETERMINE IF JAFFE'S STATEMENTS ARE TRUE, AND TO DETERMINE IF SOME CONTROLS COULD BE CREATED SO THAT THE FBI COULD NOT BE VINDICTIVE IN SIMILAR SITUATIONS.

SOURCE ADVISED THAT HE TOLD SHEY THAT (HE KNEW NOTHING ABOUT THE FBI'S ATTITUDE TOWARD JAFFE AFTER 1964, SINCE HE RETIRED FROM THE BUREAU THAT YEAR.) (S) SOURCE ADVISED THAT SHEY TOLD HIM THAT AS YET HE HAS NOT TALKED TO FORMER SA EDWARD F. GAMBER, BUT MAY INTERVIEW HIM IN THE FUTURE.

SOURCE ADVISED THAT SHEY TOLD HIM THAT JAFFE IS CURRENTLY EMPLOYED AS A FREE-LANCE REPORTER WORKING IN WASHINGTON, DC. SOURCE STATED THE HE INFORMED SHEY OF FORMER SA GAMBER'S CURRENT EMPLOYMENT.

SOURCE ADVISED THAT HE MET WITH SHEY ON AUGUST 13, 1975 FROM 2:00 PM UNTIL 3:30 PM.

THE ABOVE INFORMATION WAS OBTAINED FROM THE SOURCE IN A GUARDED MANNER, AND ONLY THE PERTINENT FACTS WERE OBTAINED.

THE NYO WILL PERSONALLY REINTERVIEW THE SOURCE REGARDING THE ABOVE AND OBTAIN COMPLETE DETAILS CONCERNING THE MATTER.

~~CLASSIFIED BY 2609, XGDS 2 AND 3, INDEFINITE.~~

END.

LRF FBIHQ CLR

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

SECRET MATERIAL ATTACHED

UNITED STATES GOVERNMENT

Memorandum

TO : W. Raymond Wannall
Assistant Director, Intelligence Division
Federal Bureau of Investigation

DATE: August 13, 1975

#MDR 16
10/10/00 SP-2 ALM/116

FROM : Douglas R. Marvin
Counselor to the Attorney General

SUBJECT: Senate Select Committee Request for Information on Warrantless Electronic Surveillances

Rec'd from SSC 8/13/75

In accord with our telephone conversation of August 12th, I am forwarding to you a letter from the Senate Select Committee requesting answers to questions relating to electronic surveillance conducted by the Federal government in the interests of national security. The Committee has been told that we would try to respond to their request by August 20th. That date is fast approaching and may not be a reasonable period of time in which to compile the information requested and respond to their questions. That date is a useful target, however, since any issues to be presented to the Attorney General with respect to complying to this request must be considered prior to August 19th, the date the Attorney General is scheduled to leave Washington.

Would your office please prepare responses to the following questions that involve areas with which, I believe, you are familiar: questions 2-10, 11(b)-(d), 12, 14, 15, 17, 21 and 24.

Thank you.

Treat as original 62-116395-532

REC-102

9 AUG 19 1975

ENCLOSURE

5-P

SECRET MATERIAL ATTACHED

84 AUG 29 1975

Julin

SECRET R433

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

COPY 6 OF 8

July 7, 1975

#mpe16

5P2 ALM/JTG

10/10/00

The Honorable Edward H. Levi
Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

Thank you for your letters of June 24 and June 25, 1975, relating to electronic surveillance conducted by the federal government in the interests of national security and foreign intelligence. The Select Committee also appreciates your providing the information of a sensitive nature in your separate letter of June 24, 1975.

Your letters, and the recent testimony of Kevin T. Maroney and Clarence M. Kelley before the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, have raised several additional questions which the Committee wishes to pursue. Further questions are raised by the July 1, 1975, White House news briefing by the Press Secretary relating to the effect of the recent Zweibon decision. Some of these questions relate to general policy considerations in the electronic surveillance area; others address our need for a more complete factual base from which we can draw our conclusions. A list of these questions is attached to this letter. These questions, of course, do not supersede prior requests for material relating to electronic surveillance, which are itemized in the document requests of May 14, June 16, and June 27. Rather, they should be considered as supplementary to the prior requests.

ENCLOSURE

62-116395-538

SECRET

July 7, 1975

I believe that the answers to these questions are e sential to a complete understanding of the policies and p ocedures followed by the Justice Department in electron c surveillance cases. Full information on these matters is necessary for the Committee to fulfill its mandate "to recommend the enactment of any new legislation . . . nece sary or desirable to strengthen or clarify the national security, intelligence, or surveillance activities of the United States and to protect the rights of United States citizens with regard to these activities." With the continued cooperation of the Justice Department, I am convinced that the Committee will be able to discharge this responsibility in the critical area of national security electronic surveillance.

Sincerely,

Frank Church
Chairman

#mDC/6
11/10/00 SP2 ALM/JTB

SECRET

Warrantless Electronic Surveillance for National Security Purposes

60 1. With respect to the "Special Review Group" which you have established within the office of the Attorney General for the purpose of examining requests for non-consensual electronic surveillance without a judicial warrant, the following questions are asked:

a. What have been the names and titles of the persons serving on the Special Review Group?

b. If the Assistant Attorney General of the Criminal Division is not a member of the Special Review Group, does he normally have the opportunity to review requests for warrantless electronic surveillance?

c. Have any individuals other than those serving on the Special Review Group or the Assistant Attorney General of the Criminal Division had the opportunity to review requests for warrantless electronic surveillance? If so, whom?

d. Does the Special Review Group have the authority to deny requests for warrantless electronic surveillance?

e. Does the Special Review Group review requests for reauthorizations of warrantless electronic surveillance?

AGO 2. Do Justice Department standards and procedures for the authorization and reauthorization of warrantless electronic surveillance require the concurrence of the State Department in the request for such surveillance? If so, in what types of cases is such concurrence required?

FBI 3. What procedures, if any, have been followed to obtain the concurrence of the State Department in the request for warrantless electronic surveillance?

SECRET

4. What have been the identities of the agencies and the Presidential appointees who have initiated requests for warrantless electronic surveillance from 1966 to the present?

5. How many such requests have been initiated by each agency and each Presidential appointee?

6. How many of the requests initiated by each agency and Presidential appointee have been approved by the Attorney General?

7. How many requests have been made by each agency and each Presidential appointee for the continuation of previously approved surveillance?

8. How many of the requests for the continuation of previously approved surveillance made by each agency and each Presidential appointee have been approved by the Attorney General?

9. What procedures have been followed for the review of all such surveillance on a regular basis to ensure that the criteria for the surveillance are satisfied?

10. With respect to non-consensual electronic surveillance instituted outside the United States by agencies of the United States government, the following questions are asked:

    a. What have been the standards and procedures, if any, established for the authorization and review of such surveillance?

    b. What has been the total number of such surveillances by year and by month for each year from 1966 to the present?

    c. What have been the identities of the agencies and the Presidential appointees who have initiated such requests from 1966 to the present?

    d. How many such requests have been initiated by each agency and each Presidential appointee?

    e. How many of the requests initiated by each agency and each Presidential appointee have been approved by the Attorney General?

SECRET

f. How many requests have been made by each agency and each Presidential appointee for the continuation of such previously approved surveillance?

g. How many of the requests for the continuation of such previously approved surveillance have been approved by the Attorney General?

h. For each year from 1966 to the present, how many such surveillances have been instituted in (1) North America, other than the United States; (2) South America; (3) Western Europe; (4) Eastern Europe; (5) Africa; (6) the Middle East; (7) Southeast Asia; (8) the rest of Asia?

i. For each year from 1966 to the present, how many such surveillances have been directed at subjects who are United States citizens?

II. With respect to the requirement that the Attorney General must be satisfied that the subject of the surveillance "plans unlawful activity directed against a foreign power or a foreign-based political group", the following questions are asked:

a. To what extent does the recent decision in Zweibon v. Mitchell by the United States Court of Appeals for the District of Columbia limit or otherwise affect this standard?

b. What has been the total number of subjects under surveillance and installations for telephone and microphone surveillance requested and approved under the standard "plans unlawful activity directed against a foreign power" and under the standard "plans unlawful activity directed against a foreign-based political group" for each year from 1966 to the present?

c. How many of the subjects in each category and for each year identified in "b" above have been United States citizens?

d. What have been the identities of all "foreign-based political groups" related to the surveillances identified in "b" above?

SECRET

With respect to the requirement that the Attorney General must be satisfied that the subject of the surveillance is "assisting a foreign power or foreign-based political group", the following questions are asked:

a. What has been the total number of subjects under surveillance and installations for telephone and microphone surveillance requested and approved under the standard "assisting a foreign power" and under the standard "assisting a foreign-based political group" for each year from 1966 until the present?

b. How many of the subjects in each category and for each year identified in "a" above have been United States citizens?

c. What have been the identities of all "foreign-based political groups" related to the surveillances identified in "a" above?

13. With respect to the requirement that the Attorney General must be satisfied that the requested surveillance is "necessary for national security or foreign intelligence purposes important to national security", the following questions are asked:

a. Is this standard intended to supplant the standard for national security electronic surveillance under former Attorney General Elliot Richardson (i.e., that the proposed surveillance must be necessary to protect the Nation against actual or potential attack or any other hostile action of a foreign power, that it be necessary to obtain foreign intelligence information deemed essential to the security of the United States, or that it be necessary to protect national security information against foreign intelligence activities)?

b. Is this standard intended to modify the standard for national security electronic surveillance under former Attorney General Elliot Richardson?

c. If the answer to "a" or "b" above is yes, what is the reason(s) for such change?

d. If the answer to "a" or "b" above is yes, what is the precise legal authority supporting such change in the formulation of the standard?

e. If the answer to "a" or "b" above is yes, what is the reason(s) for the deletion of the word "essential" from the formulation of the standard under former Attorney General Elliot Richardson?

f. If the answer to "a" or "b" above is yes, please give examples of hypothetical situations where national security electronic surveillance would be permitted: (1) under the current standard but not under the former standard, and (2) under the former standard but not under the current standard.

14. What have been the standards and procedures, if any, that have been established for determining that "the minimum physical intrusion necessary to obtain the information will be used"?

15. With respect to warrantless electronic surveillance in cases of "leaks" of information deemed either "essential" or "important" to the security of the United States, the following questions are asked:

a. Has there been a Justice Department policy specifically addressed to such cases?

b. Have there been Justice Department standards or procedures specifically addressed to such cases?

c. Have surveillances in such cases been approved by the Attorney General under the standard "assisting a foreign power or a foreign-based political group"?

d. If the answer to "c" above is no, under what standard have surveillances in such cases been approved?

e. What has been the total number of subjects under surveillance and installations for telephone and microphone surveillance requested and approved for such cases for each year from 1966 to the present?

f. What have been the identities of the agencies and the Presidential appointees who have initiated requests for warrantless electronic surveillance in such cases from 1965 to the present?

g. How many such requests have been initiated by each agency and each Presidential appointee?

h. How many of such requests initiated by each agency and each Presidential appointee have been approved by the Attorney General?

i. Of the total number of subjects under surveillance in such cases for each year from 1966 to the present, how many were (1) employees of news media organizations; (2) current employees of the federal government; (3) former employees of the federal government; (4) other?

16. With respect to the dissemination of information obtained from national security electronic surveillance, the following questions are asked:

a. What have been the standards and procedures for the dissemination of such information?

b. What have been the identities of the agencies and Presidential appointees who have received information obtained from national security electronic surveillance for each year from 1966 to the present?

c. What have been the standards and procedures for the dissemination of such information to agencies and Presidential appointees who did not initiate the request for the surveillance?

17. Can additional monthly data on warrantless electronic surveillances prior to November 1972 be made available in view of the fact that the FBI was able to precisely state the number of warrantless electronic surveillances in operation on nineteen separate days, ranging from March 4, 1965, to March 31, 1972, in response to a request by the Select Committee? (By letter of June 9, 1975, the FBI's Office of the Director informed the Committee of the number of warrantless electronic

surveillances in operation on, thirty days before, and thirty days after testimony by the Director before the House Appropriations Committee from 1965 to the present.)

18. In his testimony before the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Kevin T. Maroney, Deputy Assistant Attorney General for the Criminal Division, stated in reference to a three-man Executive Branch commission used in Great Britain to review applications for national security electronic surveillance, "Whether such a commission would be feasible under our system . . . I think it might well be." Is it the official position of the Justice Department that a similar commission composed of Executive Branch officials would be an acceptable alternative to the present system for authorizing national security electronic surveillance?

19. In the testimony referred to above, Mr. Maroney also stated, "I think the Department has previously committed itself . . . to complete disclosure to an oversight committee." With respect to this statement, the following questions are asked:

a. When and in what context has the Justice Department committed itself to complete disclosure to an oversight committee?

b. What material or information, if any, that relates to the authorization for, identities of the subjects of, conduct of, and dissemination of information from particular electronic surveillances would the Justice Department be unwilling to disclose to an oversight committee?

20. What is the basis for Justice Department opposition to the concept of a specially-designated court, composed of one or three federal judges, which would review applications for warrants in cases of national security electronic surveillance?

21. In his testimony before the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Clarence M. Kelley stated that he would accept a requirement of judicial warrants for national security

electronic surveillance if the standard for issuance of the warrant was "less than probable cause". When asked by Mr. Badillo what the appropriate standard should be, he answered, "I think reasonable grounds, that as a result of the pursuit of an investigation (it is), possible to believe that there has been, or will be, or there is a need for the gathering of intelligence." Does this statement reflect the official position of the FBI in regard to (1) a warrant requirement for national security electronic surveillance, and (2) the appropriate standard for the issuance of a warrant?

22. What have been the standards and procedures followed by the Justice Department for the authorization and conduct of national security electronic surveillance where one (but not all) of the parties to the conversation consents to the monitoring?

23. With respect to the July 1 White House news briefing by Ron Nessen relating to the effect of the Zweibon decision, the following questions are asked:

   a. What is the nature of the directive from the President to the Attorney General, referred to by Mr. Nessen, relating to Justice Department policy and procedures for electronic surveillance of United States citizens?

   b. How does this directive affect Justice Department policy and procedures for electronic surveillance of United States citizens?

   c. Will the Justice Department support legislative proposals that would require a court order for any electronic surveillance, as was indicated by Mr. Nessen's statement?

   d. If the answer to "c" above is yes, which of the pending bills in Congress, if any, would the Justice Department be willing to support?

   e. If the answer to "c" above is yes, what would the Justice Department consider to be the appropriate judicial standard for the issuance of a warrant?

   f. If the answer to "c" above is yes, what would the Justice Department consider to be the appropriate court or courts to issue such warrant?

24. With respect to electronic surveillance directed at encoded, non-conversational communications conducted in the interests of national security and foreign intelligence, the following questions are asked:

a. What were the total number of such surveillances for each year from 1966 to 1968?

b. What have been the identities of the agencies and the Presidential appointees who have initiated requests for such surveillance for each year from 1966 to the present?

c. How many such requests have been initiated by each agency and each Presidential appointee for each year from 1966 to the present?

d. How many of such requests initiated by each agency and each Presidential appointee have been approved by the Attorney General for each year from 1966 to the present?

e. How many requests have been made by each agency and each Presidential appointee for the continuation of such previously approved surveillance for each year from 1966 to the present?

f. How many of the requests made by each agency and each Presidential appointee for the continuation of such previously approved surveillance have been approved by the Attorney General for each year from 1966 to the present?

g. For each year from 1966 to the present, how many such surveillances have been instituted in (1) the United States; (2) North America, other than the United States; (3) South America; (4) Western Europe; (5) Eastern Europe; (6) Africa; (7) the Middle East; (8) Southeast Asia; (9) the rest of Asia?

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

The Attorney General

August 8, 1975

1 - Mr. W. O. Cregar
1 - Mr. V. V. Kolombatovic
(Attn: Mr. L. A. Crescioli
1 - Mr. T. J. McNiff

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Enclosed for your information is the original of a memorandum concerning an interview by Staff Members of captioned Committee of FBI Special Agent Louis A. Crescioli. A copy of this memorandum is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen
Special Counsel for
Intelligence Coordination

1 - 62-23533
1 - 67- (Louis A. Crescioli)

TJM:dmt
(13)

REC- 102

62-116395-531

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 2/10/82 BY SP4[illegible]

19 AUG 13 1975

UNREC COPY FILED IN 62-23533

ENCLOSURE

MAILED 7
AUG 11 1975
FBI

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

84 AUG 19 1975 MAIL ROOM ☑ TELETYPE UNIT ☐

GPO 954-546

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. V. V. Kolombatovic

62-116395

August 8, 1975

(Attn: Mr. L. A. Crescioli)
1 - Mr. T. J. McNiff

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

RE: INTERVIEW OF SPECIAL AGENT LOUIS A. CRESCIOLI
BY SENATE SELECT COMMITTEE STAFF MEMBERS

Set out below is information concerning an interview of Special Agent Louis A. Crescioli by Senate Select Committee (SSC) Staff Members. Mr. Crescioli, who has been a Bureau Agent since September, 1954, is currently assigned to FBI Headquarters, Domestic Liaison, handling liaison responsibilities with the military and the U. S. Postal Service.

On advance notice from Mr. James Dick, SSC Staff Member, Mr. Crescioli was advised that he was to be interviewed at 2:00 p.m., August 1, 1975, in the Senate Office Building, Washington, D. C. Mr. Crescioli was informed by this Bureau's Legal Counsel Division that he was being released from any applicable employment agreement for purpose of this interview as it relates to Bureau liaison operations with regard to the U. S. Postal Service. Mr. Crescioli was advised there were certain areas concerning which he would not be required to answer questions, namely: information which might divulge the identities of FBI sources; information relating to sensitive methods and techniques; information which might adversely affect on-going FBI investigations and information which originated with other agencies, including foreign intelligence agencies.

After meeting at the Senate Office Building with Staff Members at the scheduled time, it was learned the interview of Mr. Crescioli would occur in Room 610 of the Carrol Arms Hotel which is located across the street from the Senate Office Building, Washington, D. C. The interview commenced at approximately 2:05 p.m., and was conducted by Mr. Dick and his SSC Staff Associate Mr. Paul Wallach. Special Agent Thomas J. McNiff, FBI Headquarters, accompanied Mr. Crescioli and was present during the interview.

1 - 62-23533
1 - 67- (Louis A. Crescioli)

TJM:dmt
(12)

SEE NOTE PAGE 4

62-116395-

ENCLOSURE

Assoc. Dir. — Dep. AD Adm. — Dep. AD Inv. — Asst. Dir.: Admin. — Comp. Syst. — Ext. Affairs — Files & Com. — Gen. Inv. — Ident. — Inspection — Intell. — Laboratory — Plan. & Eval. — Spec. Inv. — Training — Legal Coun. — Telephone Rm. — Director Sec'y

MAIL ROOM [V] TELETYPE UNIT [ ]

GPO 954-546

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

At the outset Mr. Crescioli was informed of his rights; namely, that he did have a right to an attorney, that the interview was entirely voluntary and that he could refuse to answer any questions asked of him. The interview included the following questions asked by Messrs. Dick and Wallach which are deemed pertinent:

In order to assess the experience of Special Agent Crescioli, his prior Bureau background was requested. Mr. Crescioli responded that he entered on duty as a Special Agent in September, 1954, and served in five field offices handling both criminal and security matters prior to his assignment to FBI Headquarters. During the period 1963-73, Mr. Crescioli was assigned as an FBI Headquarters Supervisor handling substantive cases in the internal security area. From 1973 to November, 1974, he was assigned to the Foreign Liaison Unit of the Liaison Section, and from November, 1974, to the present, he has been assigned to the Domestic Liaison Unit handling liaison specifically with the military and U. S. Postal Service.

Messrs. Wallach and Dick were most interested in ascertaining the procedure followed by Mr. Crescioli to secure authority to be present at this interview. He was specifically queried as to the names of the individuals who authorized his attendance and what comments or instructions, if any, those Bureau officials gave him. Mr. Crescioli responded by stating that upon receiving a telephone call from Mr. Dick requesting his appearance, a memorandum setting forth this request was prepared by Mr. Crescioli and "walked through" various Bureau levels for approval. The identities of Bureau officials approving the memorandum were made known to these Staff Members, however, it was pointed out to them that no particular comment of pertinence to instant matter was recalled by Mr. Crescioli as having been made by any of these officials.

To the question as to what problems have been experienced by Mr. Crescioli with the Postal Service since assuming his role of Liaison Officer, Mr. Crescioli responded that cooperation with the Postal Service has been excellent and no real problems have been encountered. Mr. Crescioli explained that he has visited the Postal Inspection Service on the average of once every two weeks since November, 1974. He added that on occasion he will be telephoned by an official of the Inspection Service with a question regarding a national security mail cover requested by the FBI, a question regarding training procedures or a question regarding handling of Freedom of Information Act requests. In his liaison capacity, Mr. Crescioli would initiate the necessary arrangements to have these questions resolved and the answer returned to the Postal Inspection Service. In this same area of conversation, Mr. Wallach asked Mr. Crescioli if he ever visited the Postal Inspection Service to merely "chat" with the Postal Inspectors. Mr. Crescioli responded that because of his heavy liaison responsibilities with agencies other than the Postal Service he did not have time to visit the Postal Service for other than official reasons.

When asked if the various FBI field offices have liaison representatives with the various Regional Postal Inspectors in Charge, Mr. Crescioli responded that with regard to national security mail covers, the Special Agent in Charge of the local FBI office is the designated Bureau liaison contact with the Regional Postal Inspector in Charge.

The above Staff Members were interested in ascertaining whether or not national security mail cover checks were routed through Mr. Crescioli prior to delivery to the Chief Postal Inspector. Mr. Crescioli responded that these mail cover requests are not routed through him for review but rather are routed through normal Bureau channels prior to delivery by Courier Service to the Chief Postal Inspector.

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

When asked if he knew of Bureau Agents actually being engaged in physically handling the mail in any Post Office, particularly relating to mail covers, Mr. Crescioli responded that he had no knowledge of such activities. Mr. Crescioli pointed out that to his knowledge all mail cover requests were forwarded to proper Postal authorities for handling by Postal employees only.

In conclusion, Mr. Wallach inquired if Mr. Crescioli had knowledge of the reason for the discontinuance of mail covers by the FBI as an investigative technique for a period of time in the past. Mr. Crescioli responded that he had no knowledge of this matter.

At this point, the interview was terminated at approximately 2:50 p.m., with both Messrs. Wallach and Dick expressing their appreciation of Mr. Crescioli's appearance and responses on this occasion.

1 - The Attorney General

NOTE:

Results of above interview from notations made by Special Agent Crescioli at the conclusion of the interview. Special Agent McNiff, the dictator, has reviewed the above and has noted no discrepancies between reported results of the interview and that which transpired on the above occasion.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - J. A. Mintz
(Attn: J.B. Hotis)
1 - W. R. Wannall

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. W. R. Wannall

DATE: 8/6/75

FROM : J. G. Deegan

1 - W. O. Cregar
1 - J. G. Deegan
1 - H. A. Newman

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/00 BY SP-2 ALM/JTG

Through arrangements made by Mr. John Hotis, Legal Counsel Division, Unit Chief Homer A. Newman, IS-1 Section, Intelligence Division, was interviewed for the purpose of developing general information regarding the handling of informant files within the FBI by Mr. John T. Elliff and Mr. Mark Gitenstein of the Domestic Intelligence Task Force, U. S. Senate Select Committee on Intelligence Activities. The interview was conducted on 8/4/75 in FBI space and lasted from approximately 2:00 p.m. until 2:30 p.m.

The interview was extremely general in nature and dealt exclusively with general information regarding the handling of informant files both in the field and at FBIHQ. The questions asked dealt with such matters as what type of files were maintained in the field and at FBIHQ regarding informants and generally the types of information contained therein. They were particularly interested as to whether or not an individual informant file either at FBIHQ or in the field would contain information which would specifically identify informants other than the informant on which the file was maintained. They also inquired whether or not there was a sub A section of each informant file maintained at FBIHQ as was the case in the field. Questions were also asked as to whether or not the individual file maintained at FBIHQ on informants would run into several volumes. This inquiry was answered to the effect that the size of the file would depend on the activity of the informant, how long he had been operated, etc.

62-116395-530

HAN:cah (6)

REC- 102

9 AUG 19 1975

CONTINUED OVER

84 AUG 19 1975

Memorandum to Mr. W. R. Wannall
Re: Senstudy

It was readily apparent that they were asking these questions with the thought in mind of requesting access to certain informant files, the identity of which they already had but did not divulge. They did state specifically that the informant files in which they would have an interest amounted to approximately ten and were all on informants that had publicly been exposed for one reason or another and were no longer being operated as current informants. The indication was that the request would be for access only to such files for review in FBI space.

ACTION:

For information.

HN HEB

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

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Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams DATE: 7/30/75

FROM : Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/30/80 BY sp2tap/cp

SUBJECT: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

The purpose of the memorandum is to set forth in summary form the requests we have received from various Committees in Congress and the status of our replies.

Senate Select Committee
On Intelligence Activities (Church's Committee)

Date of Request	Nature of Request	Status
Letter, 5/14/75	Includes among other things information concerning wiretaps, including the reconstruction of Bureau files, as well as Inspection surveys for ten offices.	Responses to most questions prepared, approved, and delivered. Some responses are awaiting White House and/or Departmental approval.
Letter, 6/27/75	Request for information concerning alleged abuses.	Department seeking clarification.
Letter, 6/30/75, received by Bureau, 7/8/75	Request pertaining to COINTELPRO.	Partial response delivered.
Letter, 7/3/75	Requests documents pertaining to COINTELPRO be furnished to the Committee in Committee space	Response being prepared
Letter, 7/8/75	Communication to all employees concerning Senate Select Committee inquiries.	Response being prepared.

REC- 102 62-116395-529

UNRECORDED COPY FILED IN 62-116464 62-116009

9 AUG 19 1975

1 - Mr. Wannall
(Attn: Mr. Cregar)
1 - Mrs. Metcalf

1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

XEROX
AUG 19 1975

JFH

LAD:lad
(8)

CONTINUED - OVER

LEGAL COUNSEL

84 AUG 26 1975

Date of Request	Nature of Request	Status
Letter, 7/14/75	Request concerning two highly sensitive Bureau programs in the foreign intelligence field.	Response being prepared.
Letter, 7/14/75	Request concerning COINTELPRO documents.	Response being prepared.
Letter, 7/14/75	Material pertaining to Martin Luther King.	Awaiting Departmental decision.
Letter, 7/14/75	Material pertaining to Ku Klux Klan.	Response being prepared.
Letter, 7/16/75	Information regarding functions of Attorney General with respect to supervision of and policy-making for internal security and intelligence activities.	Response being prepared.
Letter, 7/23/75	List of people interviewed in O&C Inspection Review.	Response prepared and delivered to Department.
Letter, 7/24/75	List of Agents in New York City area who had surname "Kehoe."	Response being prepared.
Letter, 7/28/75	Superseding request for FBI materials for delivery and/or access of Committee.	Response being prepared.

Committee on the Judiciary
Subcommittee on Constitutional Rights (Tunney's Committee)

Date of Request	Nature of Request	Status
Letter, 7/18/75	Material concerning Flagging procedures in Identification and NCIC Systems.	Response being prepared.

CONTINUED - OVER

Legal Counsel to Mr. Adams
RE: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

Subcommittee on Oversight
Committee on Ways and Means (Vanik's Committee)

Date of Request	Nature of Request	Status
Letter, 7/14/75	Description of FBI's informant programs.	Response awaiting Bureau's approval.

House Select Committee (Pike's Committee)

Date of Request	Nature of Request	Status
Letter, 7/22/75	All documents and materials provided to the Senate Select Committee to Study Governmental Operations and request for all materials related to budgetary authority.	Being discussed with Department.
Letter, 7/24/75	Review documents and materials related to budgetary matters.	Briefing concerning Budget Matters being arranged.

Subcommittee on Civil and Constitutional Rights
House Judiciary Committee (Edwards Committee)

Date of Request	Nature of Request	Status
Letter, 7/9/75	Requested information concerning surreptitous entry.	Response prepared and delivered to Department.
Letter, 7/15/75	Requested information pertaining to our assignment of Bureau personnel to Congressional Committees.	Response prepared and delivered to Department.

Hearings

Date of Request	Nature of Request	Status
	Request to arrange testimony before Subcommittes on Postal Facilities, Mail, and Labor Management of the Post Office and Civil Service Committee concerning mail covers and mail openings.	Date of testimony has not been established.

CONTINUED - OVER

Legal Counsel to Mr. Adams
RE: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

Hearings (continued)

Date of Request	Nature of Request	Status
7/29/75	Orally advised by Committee staff members letter sent requesting Bureau testimony relating to Budget matters.	Testimony to be 8/7 or 8/8/75.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
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UNITED STATES GOVERNMENT

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TO : Mr. J. B. Adams

DATE: 7/24/75

FROM : Legal Counsel

1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Hotis
Attn: Mr. Daly
1 - Mr. Mintz

SUBJECT: PROPOSED PROCEDURES FOR ACCESS TO FBI MATERIALS BY THE SENATE SELECT COMMITTEE

On the afternoon of July 24, 1975, K. William O'Connor, Special Counsel in the Department, met with Deputy Associate Director Adams and me to present us with a copy of the proposed procedures and to discuss any amendments the Bureau might request. I asked Mr. O'Connor who had approved this latest draft of the proposed procedures and he said that they had been tentatively approved by the Attorney General and the White House. I specifically asked him who in the White House had approved them and he said that they had been approved by Mr. Buchen (Counsel to the President).

Mr. Adams and I discussed the procedures with Mr. O'Connor and suggested to him as indicated by my inked notation on the bottom of page 2A that the word "use" used in subparagraph (d) should be further defined by a footnote that would specify the limitations on information to be provided the Committee and its staff concerning the identities of persons to whom the FBI has undertaken an obligation of confidentiality. Mr. O'Connor agreed to the proposed change and in our presence telephonically communicated with John Elliff and obtained his concurrence in the amendment to subparagraph (d).

REC-102 62-116395-528

Mr. Adams told Mr. O'Connor that the FBI was not agreeing to the procedures in substance but that we recognized the authority of the Attorney General in these matters and would abide by his decision that the proposed procedures would be implemented on agreement by the Committee. Mr. O'Connor said he understood that and he advised John Elliff that the Bureau had acquiesced in the proposed procedures with the one amendment described above. Mr. O'Connor departed indicating that he was going to proceed to meet with the Committee and obtain final agreement as to the text of the proposed procedures. The draft of the procedures is attached for the Director's information.

ENCLOSURE

9 JUL 30 1975

Enc.
JAM:mfd

8 AUG 19 1975

CONTINUED - OVER

#mOR16 SP2 ALM/TFC 10-10-00

Memorandum to Mr. Adams
Re: Proposed Procedures for Access to
FBI Materials by SSC

RECOMMENDATION:

That this memorandum and the proposed draft of the proposed procedures be forwarded for the information of the Director.

PROPOSED PROCEDURES

(1) The Domestic Task Force Leader* will submit periodically a list of ~~specific~~ materials, ~~relevant~~ pertaining to the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the scope, specificity, or meaning of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DTFL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, as fixed by the Committee, with fixed delivery/access dates specified. Those materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room 4171 of the Hoover Building not later than within ~~48~~ 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours of receipt of ~~the~~ each request, of any delay beyond ~~48~~ 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

* Wherever used herein, the term Domestic Task Force Leader (DTFL) is understood to include the Staff Director, Chief Counsel and the Minority Counsel of the Senate Select Committee.

#MDR/6 62-116395-ALM/376 SR 2 ALM 1016/00

ENCLOSURE 62-116395-50

These procedures shall apply to all matters covered by paragraph 1. In the event of a specific problem arising with the applicability of these procedures to any matters in current litigation or any matters in which criminal prosecution is pending, or any matter which the Attorney General shall specifically designate as extraordinarily sensitive, a special procedure shall be undertaken.* Such specific problem areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. The special procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific problem area and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign intelligence operations.

* No restriction of currently operational arrangements is intended under this provision.

(b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.

(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(d) As to other information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality, the Committee and its staff shall preserve the confidentiality and shall make no use (A) which would impair the confidentiality of this class of information to which access has been given, unless the identity of the individual as a source has already been made known to the Committee, or unless such information appears in materials which have been screened by the FBI as provided in paragraph 6 below.

(A) Examples of prohibited uses are: ① interviews of the source(s) [source]; ② interviews or other inquiries that would disclose the fact the identity of a confidential source was made known to the staff; ③ public disclosure

(4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.

(5) The Committee staff shall select from these materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

(6) The Bureau shall make copies of such materials as are specified by the staff under the provisions of (5) above for transfer to the Committee's offices

(a) before the copies of such materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive FBI sources ~~and~~/or sensitive ongoing operations.

(b) If the Task Force Leader has any objections to the excisions or paraphrases, the materials in issue will be forthwith conveyed by the Bureau, with a written statement of its grounds for its position, to the Special Counsel who shall resolve the matter by negotiation within 24 hours.

(c) In the event the matter is not resolved within 24 hours, the Special Counsel shall submit the matter forthwith to the Attorney General who shall notify the Chairman forthwith and arrange for an appropriate disposition.

(7) The Committee staff may remove to the office of SSC for appropriate use, any notes which they may make upon review of material screened by the FBI, as provided in (6) above, without such notes being reviewed by the Bureau. The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (6) (a) thru (c) above.

(8) The staff and the members of the Committee may examine the original materials to which the staff has been given access as extensively as necessary, in the Hoover Building at Room 4171, during normal FBI business hours; upon reasonable notice, special arrangements may be made for access at other times.

(9) These procedures are adopted subject to satisfactory experience in implementation. If after a fair trial the procedures herein do not operate suitably in the view of either the SSC or the Attorney General, the procedures may be unilaterally set aside by either the SSC or the Attorney General and other appropriate and suitable methods of procedure undertaken.

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UNITED STATES GOVERNMENT

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Plan. & Eval.
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Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 7-24-75

FROM : Legal Counsel

SUBJECT: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

The purpose of this memorandum is to set forth in summary form the requests we have received from various Committees in Congress and the status of our replies.

Senate Select Committee
On Intelligence Activities (Church's Committee)

Date of Request	Nature of Request	Status
Letter, 5-14-75	Includes among other things information concerning wire-taps, including their reconstruction of Bureau files, as well as Inspection surveys for ten offices.	Responses to most questions prepared, approved, and delivered.
Letter, 6-27-75	Request for information concerning alleged abuses.	Department seeking clarification.
Letter, 6-30-75, received by Bureau 7-8-75.	Request pertaining to COINTELPRO.	Response being prepared.
Letter, 7-3-75	Requests documents pertaining to COINTELPRO be furnished to the Committee in Committee space.	Response being prepared.

62-116395-527

1 - Mr. Wannall
(Attn: Mr. Cregar)
1 - Mrs. Metcalf

REC-102

1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

30 1975

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CONTINUED - OVER

PVD;bjc (7)

84 19 1975

Legal Counsel to Mr. Adams
RE: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

Date of Request	Nature of Request	Status
Letter, 7-8-75	Communication to all employees concerning Senate Select Committee inquiries.	Response being prepared.
Letter, 7-14-75	Request concerning two highly sensitive Bureau programs in the foreign intelligence field.	Response being prepared.
Letter, 7-14-75	Request concerning COINTELPRO documents.	Response being prepared.
Letter, 7-14-75	Material pertaining to Martin Luther King.	Response being prepared.
Letter, 7-14-75	Material pertaining to Ku Klux Klan.	Response being prepared.
Letter, 7-23-75	List of people interviewed in O&C Inspection Review.	Response being prepared.

Subcommittee on Civil and Constitutional Rights House Judiciary Committee (Edwards Committee)

Date of Request	Nature of Request	Status
Letter, 7-9-75	Requested information concerning surreptitious entry.	Response being prepared.
Letter, 7-15-75	Requested information pertaining to our assignment of Bureau personnel to Congressional Committees.	Response being prepared.

 CONTINUED - OVER

Legal Counsel to Mr. Adams
RE: STATUS OF RESPONSES TO CONGRESSIONAL
COMMITTEE REQUESTS

Hearings

Nature of Request	Status
Request to arrange testimony before Subcommittee on Postal Facilities, Mail, and Labor Management of the Post Office and Civil Service Committee concerning mail covers and mail openings.	Date of testimony has not been established.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams DATE: 7-16-75

FROM : Legal Counsel

SUBJECT: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

Assoc. Dir. / Dep. AD Adm. / Dep. AD Inv. / Asst. Dir.: / Admin. / Comp. Syst. / Ext. Affairs / Files & Com. / Gen. Inv. / Ident. / Inspection / Intell. / Laboratory / Legal Coun. / Plan. & Eval. / Spec. Inv. / Training / Telephone Rm. / Director Sec'y

The purpose of this memorandum is to set forth in summary form the requests we have received from various Committees in Congress and the status of our replies.

Senate Select Committee
On Intelligence Activities (Church's Committee)

Date of Request	Nature of Request	Status
Letter, 5-14-75	Includes among other things information concerning wiretaps, including their reconstruction of Bureau files, as well as Inspection surveys for ten offices.	Responses to most questions prepared, approved, and delivered.
Letter, 5-28-75	Requests certain Senators on Committee be given access to any information concerning them in FBI files.	Being handled under same guidelines as Freedom of Information Act requests. Letter to Committee from Department requesting discussion be held.
Letter, 6-13-75	Requests complete information concerning mail openings and mail covers.	Material being gathered for response.
Letter, 6-27-75	Request for information concerning alleged abuses.	

62-116395-526
REC- 102
JUL 30 1975
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LEGAL COUNSEL

1 - Mr. Wannall
(Attn: Mr. Cregar)
1 - Mrs. Metcalf

1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

PVD:kjs (7)

CONTINUED - OVER

84 AUG 19 1975

Date of Request	Nature of Request	Status
Letter, 6-30-75, received by Bureau 7-8-75.	Request pertaining to COINTELPRO.	Response being prepared.
Letter, 7-9-75	Request briefing for Committee Members concerning documents in possession of Committee which may be highly sensitive. Documents were furnished by White House and were material studied by Rockefeller Commission.	
Letter, 7-3-75	Requests documents pertaining to COINTELPRO be furnished to the Committee in Committee space.	Response being prepared.
Letter,7-8-75	Communication to all employees concerning Senate Select Committee inquiries.	Response being prepared.
Letter, 7-14-75	Request concerning two highly sensitive Bureau programs in the foreign intelligence field.	Response being prepared.
Letter, 7-14-75	Request concerning COINTELPRO documents.	Response being prepared.
Letter, 7-14-75	Material pertaining to Martin Luther King.	Response being prepared.
Letter 7-14-75	Material pertaining to Ku Klux Klan.	Response being prepared.

 CONTINUED - OVER

Legal Counsel to Mr. Adams
RE: STATUS OF RESPONSES TO CONGRESSIONAL COMMITTEE REQUESTS

Subcommittee on Government Information and Individual Rights (Abzug's Committee)

Date of Request	Nature of Request	Status
	Request asking for identity of FBI personnel who served on Interagency Evaluation Committee between 1970 and 1973.	We have responded.
Hearings		
	Request to arrange testimony before Subcommittee on Postal Facilities, Mail, and Labor Management of the Post Office and Civil Service Committee concerning mail covers and mail openings.	Date of testimony has not been established. It has been postponed from 7-15-75 to around 7-24-75.

RECOMMENDATION:

For information.

[redacted]

2 - Mr. [redacted] A. Mintz
(1 - Mr. J. B. Hotis)

CODE TELETYPE URGENT

1 - Mr. W. R. Wannall

TO SAC ATLANTA

AUGUST 14, 1975

1 - Mr. W. A. Branigan

FROM DIRECTOR FBI (62-116395)

PERSONAL ATTENTION

1 - Mr. W. O. Cregar

SENSTUDY 75

1 - Mr. L. F. Schwartz

NEW YORK OFFICE HAS ADVISED THAT FORMER SA JOHN G. WILLIS WAS RECENTLY CONTACTED BY SENATE SELECT COMMITTEE (SSC) STAFF MEMBER PATRICK SHEA WHO INTERVIEWED HIM RELATIVE TO HIS KNOWLEDGE OF FORMER BUREAU SOURCE SAM JAFFE WHO ALLEGEDLY HAS BEEN IN CONTACT WITH SSC. JAFFE ALLEGEDLY ADVISED SSC THAT HE FORMERLY ENJOYED A PLEASANT RELATIONSHIP WITH FORMER SA WILLIS AND FORMER SA EDWARD F. GAMBER WITH REGARD TO SOVIET INTELLIGENCE MATTERS. JAFFE ALLEGEDLY STATED TO SSC THAT BUREAU PERSONNEL BECAME COOL TOWARD HIM IN APPROXIMATELY 1966-1968 AFTER JAFFE RETURNED FROM HONG KONG AND THAT SINCE THAT TIME JAFFE HAS BEEN UNABLE TO HOLD A JOB AND BELIEVES THAT THE FBI IS BEING VINDICTIVE TOWARD HIM AND IS DEPRIVING HIM OF A MEANS OF MAKING A LIVELIHOOD.

EX-105 REC-36 62-116395-525

AUG 15 1975

LFS:lhb
(10)

SEE NOTE PAGE 3

1 - 67-456921 (Personnel File Former SA Edward F. Gamber)
1 - 67-66250 (Personnel File Former SA John G. Willis)

Assoc. Dir. ____
Dep. AD Adm. ____
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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
AUG 14 1975
TELETYPE

MAIL ROOM ☐ TELETYPE UNIT ☑

AUG 18 1975

GPO 954-546

FORMER SA WILLIS ADVISED THAT HE TOLD SHEA THAT HE KNEW NOTHING OF THE FBI'S ATTITUDE TOWARD JAFFE AFTER 1964, SINCE HE RETIRED FROM THE BUREAU THAT YEAR. SHEA INDICATED TO WILLIS THAT HE HAD NOT YET TALKED TO FORMER SA GAMBER BUT MAY INTERVIEW HIM IN THE FUTURE.

FORMER SA GAMBER IS CURRENTLY EMPLOYED BY THE WELLS FARGO ARMOREDCAR DIVISION AND RESIDES IN THE ATLANTA AREA. YOU SHOULD IMMEDIATELY ATTEMPT TO CONTACT GAMBER AND ALERT HIM THAT HE MAY BE APPROACHED FOR INTERVIEW BY SSC STAFF. HE SHOULD BE ADVISED THAT IN THE EVENT HE IS INTERVIEWED AND DURING THE COURSE OF THE INTERVIEW, QUESTIONS ARE ASKED WHICH RELATE TO SENSITIVE BUREAU OPERATIONS (SOURCES, METHODS, TECHNIQUES, THIRD AGENCY RULE AND ONGOING INVESTIGATIONS), HE MAY REQUEST AN FBI AGENT TO BE AVAILABLE FOR CONSULTATION. BUREAU WILL PROVIDE AGENT IF REQUESTED. AS A PRELUDE TO INTERVIEW, THE FORMER EMPLOYEE MAY, AFTER BEING CONTACTED BY SSC STAFF, CONTACT BUREAU'S LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FULL INFORMATION TO ASSIST HIM, INCLUDING HIS OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMATION ACQUIRED AS

FBI EMPLOYEE. IT IS EMPHASIZED THAT BUREAU'S OFFER OF ASSISTANCE IS NOT INTENDED TO IMPEDE SSC WORK BUT IS DONE AS COOPERATIVE GESTURE AND TO SAFEGUARD SENSITIVE BUREAU INFORMATION. CONTACT WITH FORMER SA GAMBER SHOULD BE HANDLED PERSONALLY BY SAC OR ASAC, OR IF THIS IS NOT FEASIBLE BY A SENIOR SPECIAL AGENT OF YOUR OFFICE.

SUTEL RESULTS OF CONTACT WITH GAMBER AS SOON AS POSSIBLE IN ABOVE CAPTION. IF HE IS NO LONGER LOCATED IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO RESPONSIBLE OFFICE WITH COPY TO BUREAU.

NOTE:

Jaffe is a former Bureau source who is currently engaged in a Freedom of Information Act request appeal. Appropriate files are being reviewed to determine what, if any, significance there may be in the allegations attributed to Jaffe by the SSC Staff Member. Procedure for alerting former SA Gamber is in accordance with what we have been doing concerning many other former employees.

5-113a (Rev. 3-21-73)

10/10/00 #MDR16
CLASSIFIED BY SP-2 ALM/JG
DECLASSIFY ON: 25X1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

~~SECRET~~

Intelligence Division

INFORMATIVE NOTE

Date 8/4/75

In connection with our responses to the Senate Select Committee (SSC), the White House has instructed that the Intelligence Community prepare a briefing for Senators Church and Tower of the SSC regarding warrantless electronic surveillances and surreptitious entries. During meetings of the Intelligence Community, it was agreed that NSA, FBI and CIA would give the briefings. No date has been scheduled for the briefings, although it is anticipated representatives of the White House will monitor a preview of the actual briefing to be given Senators Church and Tower.

During meetings of the Intelligence Community representatives, to discuss the contents of such a briefing, it was agreed among representatives of NSA, CIA and FBI that efforts would be made to avoid identifying specific foreign targets of surreptitious entries or warrantless electronic surveillances.

Attached is a memorandum from CIA advising that CIA has already disseminated to the SSC information concerning sensitive technical operations against certain Embassies and diplomatic establishments in the U.S. (S)

ACTION: For information and record purposes.

WOC:bcw

~~SECRET~~
Classified by 6203
Exempt from GDS, Category 1+2
Date of Declassification Indefinite

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MAY 1962 EDITION
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UNITED STATES GOVERNMENT

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Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. J. B. Adams

DATE: 8/6/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

*MDR16

10-10-00 SP-2 ALM/JK

On 8/6/75, Daniel M. (Mac) Armstrong, III, who was on the personal staff of former Acting Director Gray, called to advise that he had been contacted by John Elliff. He had known Elliff casually during the confirmation hearings regarding Mr. Gray. Elliff told him that he was personally interested in determining background on two matters which were: (1) the decision to abolish the Crime Records Division; and (2) the Legal Attache program.

Armstrong told him that he had no knowledge concerning the Crime Records Division and had not even learned of its abolishment until after the fact. Armstrong referred Elliff to Dave Kinley regarding that topic. Armstrong said that Elliff did not want to talk to him concerning the Legal Attache program over the phone and said he would contact him in the near future for an appointment to see him personally.

Armstrong said he was passing this information along to us in order to keep us advised of his contacts with the Senate Select Committee concerning his Bureau information which came to him as a result of his Bureau employment.

REC-26 62-116395-524

RECOMMENDATION:

EX-101

AUG 15 1975

For information.

1 - Mr. Wannall
1 - Mr. Hotis
1 - Mr. Mintz
1 - Mr. Herington

JH:mfd
(6)

(Armstrong)

84 AUG 26 1975

~~SECRET~~

S E N S I T I V E

DivD-75/327
4 August 1975

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Director Sec'y

MEMORANDUM

SUBJECT: Senate Select Committee Staff Knowledge of CIA Domestic Electronic Surveillance Against Foreign Targets

1. In our discussions preparatory to the briefing to be given to Senators Church and Tower, we have agreed to try to avoid identifying specific foreign targets of the various types of operations which will be discussed, although it was generally recognized that it would be impossible to avoid discussing the Soviet target specifically. I have recently learned that the SSC Staff is aware of the fact (from material turned over to them by CIA) that CIA "participated in a series of electronic surveillance operations in the U.S." The information is contained in a single paragraph, which goes on to say:

> "Included among them are operations against the Czech Embassy, the UAR Embassy, the Chilean Embassy, the Soviet Consulate in San Francisco, the present Soviet Embassy, the planned Soviet Embassy, and the quarters occupied by the Chinese Communists in New York City."

2. This being so, it can be expected that the Staff will have brought this information to the senators' attention, and I will be prepared to respond factually to questions with respect to these operations, which of course were carried out in pursuit of NSA requirements, and with FBI coordination and/or support.

EX-101 REC-26 62-116395-523

AUG 15 1975

3. Notwithstanding this regrettable breach in the principle we have agreed to try to maintain, I believe we should resist pressures to expand on the number of identified targets.

Edward Ryan
Chief, Division D

1 c/c made for temporary use & destruction 8/4/75

cc: NSA (Mr. Richard Kern)
FBI (Mr. William Cregar)
IC Staff (Adm. Showers)

~~SECRET~~

S E N S I T I V E

62-116395

84 AUG 18 1975

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MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD Adm.
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Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. McDermott

DATE: 7-31-75

FROM : W. L. Bailey

10/10/00 #MDR16
CLASSIFIED BY SP-2 ALM/ZTG
DECLASSIFY ON: 25X1

SUBJECT: SENSTUDY - 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

On July 31, 1975, Mr. Dan Dwyer, Research Assistant, Senate Select Committee, advised SA Seymor F. Phillips that he had some specific questions to ask concerning his review of the Classifying Guide, Files and Communications Division. Thereafter, ~~Supervisor Paul F. Shea and Classifying Unit~~ Supervisor Odell Wheeler answered the following questions raised by Mr. Dwyer: (1) Explain the difference in applicant mail categories, i.e. 67, 77, 116, 151 and 161? The various applicant type categories were discussed with him. (2) What is the difference between main files, general files and setup files? These definitions were given to him in accordance with the manual; in addition, our procedures for handling "0" files, "00" files and subfiles were also explained. (3) When is a 62 file interchangeable? It was explained to him that the 62 classification is interchangeable with other designated classifications, for example, that incoming 62 material could be placed in an existing file on the subject rather than opening a separate 62 file. (4) Describe what you mean by the standard sublist. It was explained that a subnumber is assigned to each one of our field offices and to each foreign country; that subfiles are used when it is anticipated that the volume of mail will be sufficient to place the file in separate subs for future ready reference to a particular area or locality. (5) What is the meaning of the character of a case? It was explained that we have utilized 185 classification numbers to date and that each of these classifications has a corresponding character. The example given was the 26 classification and corresponding ITSMV character. (6) What is meant by the [134] classification being interchangeable (S) with the subversive list? It was explained to him that from the 185 classifications approximately 60 of these are termed subversive from an administrative standpoint. The [134] classification which (S) designates a [security informant] is interchangeable with certain (S) subversive classifications on the subversive list.

Bureau file 62-116395

EX-101
REC-26 62-116395-522

1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. Cregar
1 - S. F. Phillips

AUG 15 1975

PFS:mks
(6)

CONTINUED - OVER

84 AUG 18 1975

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

The Attorney General

August 7, 1975

1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

Director, FBI

#MOR 16
10-10-00 SP2 ALM 17TG

UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

This is in response to an oral request from Mr. Loch Johnson, Senate Select Committee Staff Member, that two former FBI Special Agent employees be made available for interview and/or their current addresses be made available to the Senate Select Committee so that the Committee may arrange for the interviews.

Attached for your approval and forwarding to the Committee is the original of a memorandum responsive to the above request. A copy of this memorandum is being provided for your records.

Enclosures (2)

62-116395

REC-26 62-116395-521

1 - The Deputy Attorney General
Attention: Michael E. Shaheen
Special Counsel for
Intelligence Coordination

AUG 15 1975

1 - 67-449472
1 - 67-431020

TJM:dmt
(12)

3 ENCLOSURE

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84 AUG 1 9 1975 MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

62-116395

August 7, 1975

#MDR16 10/10/00 SP2 ALM/STS

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

RE: ADDRESSES OF FORMER
BUREAU EMPLOYEES

On July 28, 1975, Mr. Loch Johnson, Senate Select Committee Staff Member, orally requested of Special Agent Paul V. Daly, FBI Headquarters, that former FBI Special Agents Thomas J. Smith and Richard D. Cotter be made available for interview and/or their current addresses be made available to the Senate Select Committee so that interviews may be arranged. The subject matter of the interview is to be limited to the above former employees' knowledge concerning the "Huston Plan."

This is to advise that both Messrs. Smith and Cotter have been released from their employment agreement with this Bureau for the purpose of an interview by the Senate Select Committee concerning their knowledge of the "Huston Plan." In response to Mr. Johnson's request, there is set forth below the last known address for each of the above-named former employees:

Thomas J. Smith, 3410 Memphis Lane, Bowie, Maryland 20715.

Richard D. Cotter, 5337 Ravensworth Road, Springfield, Virginia 22151.

1 - The Attorney General

1 - 67-449472
1 - 67-431020

TJM:dmt
(11)

ORIGINAL AND ONE TO THE
ATTORNEY GENERAL

SEE NOTE PAGE 2

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ENCLOSURE

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GPO 954-546

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

NOTE:

Reference is made to Legal Counsel memorandum to J. B. Adams, dated 7/29/75, captioned "Senstudy 75," wherein the request of Mr. Johnson is set forth as well as the approved release of Messrs. Smith and Cotter from their employment agreement as it relates to the "Huston Plan." On 8/4/75 Special Agent Thomas J. McNiff attempted to contact Mr. Smith at his home phone 301-262-1921. An adult female answered and advised that she was baby-sitting for Mr. and Mrs. Smith who are currently in New Mexico and are not expected to return for an additional two weeks. Special Agent McNiff left his name and office phone number with the request that Mr. Smith call him upon his return to his residence.

Mr. Richard Cotter on 8/4/75 was contacted at his home residence phone 256-7227 and advised of the SSC desire to interview him within the parameter outlined above. Mr. Cotter was advised that he has been released from his employment agreement with the above parameter and that should he so request a Bureau Agent will be made available to him for consultation at the time of the interview. It was pointed out to Mr. Cotter that during the interview there are certain privileged areas concerning which he would not be required to answer questions, namely: information which might divulge the identities of FBI sources; information relating to sensitive methods and techniques; information which might adversely affect on-going FBI investigations and information which originated with other agencies, including foreign intelligence agencies. Mr. Cotter concluded by saying that upon being contacted by the SSC he would advise this Bureau of the date of the anticipated interview and his decision as to whether or not he would request that a Bureau Agent be made available for consultation.

F-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 8/7/75

Caption of Document: United States Senate Select Committee. Re: Addresses of Former Bureau Employees. (7/28/75 request)

Originating Office: FBI

Delivered by: Paul V Daly Date: 6:15pm 8/8/75

Received by: [signature]

Title: Counsel

Return this receipt to the Intelligence Division, FBI

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/00 BY SP-2 ALM/JTG

ENCLOSURE

62-116395-521

CLASSIFY AS APPROPRIATE

E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

8/7/75

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

7/28/75 oral request

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Intelligence collection

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-10-00 SP2 ALM/JTG

8. SUMMARY (*see reverse side before completing this item*)

Furnishing SSC addresses of former Special Agents to be interviewed concerning their knowledge of the "Huston Plan."

62-116395

(FMK;FMK)
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

51 W01/8

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

62-116395 - 521

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

The Attorney General July 22, 1975

Director, FBI REC-26 62-116395-520

PROPOSED PROCEDURES -
SENATE SELECT COMMITTEE

I have reviewed the proposed procedures as set forth in memorandum to you from Mr. K. William O'Connor dated July 21, 1975, and I will abide by your judgment in this matter. To clarify our position relative to raw files, I strongly recommend you incorporate in your transmittal letter a reference to this.

1 - The Deputy Attorney General

1 - Mr. Mintz (detached)

JBA:ams
(6)

Hand delivered
7/22/75 3 Pm

#MDR 16

10-10-00 SP-2 ALM/JTG

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J. B. ADAMS
DEPUTY ASSOCIATE DIRECTOR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/00 BY SP 2 ALM/13

7/22/75

TO MR. KELLEY:

The attached constitutes the revised draft of proposed procedures which we met on yesterday with the Attorney General and staff. Mr. Mintz and I feel it incorporates the matters agreed upon at the meeting.

Please note the memo to Mr. Levi from O'Connor indicates these procedures are designed "to permit broad access for SSC staff to FBI materials," and the proposed procedures do not rule out the possibility that the Committee can request complete files for review. Accordingly, if you have no objection, we will advise the Attorney General that you have reviewed the proposed procedures and will abide by his judgment, however, we continue to object to granting of access to raw files of the FBI to representatives of the SSC. Attached is a letter to the AG so stating.

REC-26 62-116395-520

ENCLOSURE

J. B. ADAMS

17 AUG 1975

Enclosures

To replace last sentence -

"To clarify our position relative to raw files I strongly recommend you incorporate in your transmittal letter a reference to this";

LEGAL COUNSEL

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

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Director Sec'y

July 21, 1975

TO: Edward H. Levi
Attorney General

FROM: K. William O'Connor
Special Counsel for Intelligence Coordination

SUBJECT: Proposed Procedures - SSC

This draft of "Proposed Procedures" has not been discussed with SSC staff. It is intended to reflect the substance of the discussion had on 7/21, in your office; and incorporates (as underscored) additional language for the purposes suggested by that discussion. Also reflected are the slight editorial changes requested by the SSC in the draft attached to Senator Church's letter of July 18, 1975.

These procedures are designed to permit broad access for SSC staff to FBI materials at the FBI, or delivery of such materials, if appropriate, to the SSC. The present scope of the access is defined by the requests as received; those extant are the subject of superseding redraft under paragraph 1. The prospective scope of requested information is not restricted, but is subject to negotiation as indicated in the amendment to paragraph 1.

The proposed modification of paragraph 3 will be the focus of most controversy. The SSC will probably object to the withholding of sources under paragraph 3(d) (proposed) saying that access to information at the FBI offices is all that is required; that no note on such documents can be removed from the premises of the FBI under procedure 6; and that if they wish to pursue any sources, the appeal provision of existing paragraph 6 should cover it. Since that was the purpose of paragraph 6, and since paragraph 6(a) was designed to focus on any real problem which might arise, the scope of the stated problem under paragraph 3(d) may be seen by the SSC as an attempt to withhold information from the SSC staff, and delay the inquiry (since the Bureau would have to do considerable pre

ENCLOSURE

ENCLOSURE

REC-26 62-116395-536

EX-101

17 JUL 24 1975

cc: Deputy Attorney General
Director, FBI
Mr. Scalia
Doug Marvin

#MDE16 SP-2 ALM/dk6 10/10/00

LEGAL COUNSEL

delivery work under 3(d) to make properly defined and reviewed deletions). Accordingly, I would expect SSC to assert (a) DOJ does not trust SSC probity or security, and (b) DOJ is following a dilatory and unnecessary tactic.

In anticipation of these problems, I have re-written paragraph 9 to permit unilateral abrogation if the procedures do not work. If actual information withheld is capriciously defined, or if any lapse of good judgment occurs, I would expect prompt abrogation by SSC and a very severe criticism of the Director, the Attorney General, and the Department.

I think that is a high risk, and assumption of it places a very heavy burden upon the Bureau, initially, and upon the Department, ultimately.

My recommendation is that the proposed procedures be attempted as redrafted, subject to Attorney General and White House approval; but a vigorous <u>caveat</u> is indicated as to the need for real restraint in the exercise of initial FBI discretion under paragraph 3(d).

PROPOSED PROCEDURES

(1) The Domestic Task Force Leader* will submit periodically a list of specific materials, relevant to the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the scope or meaning of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DTFL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, as fixed by the Committee, with fixed delivery/access dates specified. Those materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room 4171 of the Hoover Building not later than within ~~48~~ 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours of receipt of the request, of any delay beyond ~~48~~ 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

#MORI6 SP-2 ALM/876 10/10/100

* Wherever used herein, the term Domestic Task Force Leader (DTFL) is understood to include the Chief Counsel and the Minority Counsel of the Senate Select Committee.

62-116395-580

ENCLOSURE

The Attorney General may exempt specific topical areas of inquiry from the scope of these procedures. Such topical areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. As to any such exemption, the procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific exemption, and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources or sensitive ongoing operations.

(b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.

(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished

unless the identity of the individual as an informant or potential informant has already been made known to the Committee, or unless the Attorney General, the Chairman and Vice Chairman, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(d) An exception to (a) and (b) above is made for information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality. In order to preserve that obligation of confidentiality, the FBI will withhold access to this class of information, unless the identity of the individual as a source has already been made known to the Committee, or unless the Attorney General, the Chairman and Vice Chairman, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.

(5) The Committee staff shall select from these materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

Court Seal [JFK Law 10(a)1]

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Court Seal [JFK Law 10(a)1]

Court Seal [JFK Law 10(a)1]

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

62-116395

August 7, 1975

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI
SPECIAL AGENT (SA) JOHN M.
MATTER BY SSC STAFF MEMBERS

Set out below is information concerning an interview of former FBI SA John M. Matter by SSC Staff Members. Matter served in the FBI from October 21, 1940, until his retirement May 28, 1971. He is a current resident of Ft. Myers, Florida.

On advance notice from Mr. Michael Epstein, SSC Staff Member, Matter traveled to Washington, D. C., from his residence in Florida to be interviewed at 11:30 a.m. July 25, 1975, in the SSC offices.

Prior to appearing for the interview, Matter was informed by the FBI that he was being released from any applicable employment agreement for the purpose of the SSC interview which Epstein had indicated would concern the former FBI investigation of Martin Luther King, Jr. It was explained to Matter by the FBI that he had the right to counsel; however, the FBI was unable to provide private counsel. Matter was also told that there were certain privileged areas concerning which he would not be required to answer questions. These areas concerned sources; information relating to sensitive methods and techniques; information which might adversely affect ongoing FBI investigations; and information which originated

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with other agencies, including foreign intelligence agencies. Matter was informed that if he desired the presence of an FBI representative for consultation purposes, one would be supplied on his request. It was explained that this representative would not be present at the interview itself, but would be located nearby and available for consultation purposes. Matter requested such assistance.

It was further explained to Matter by the FBI that if a question arose during the interview in one of the areas set out above, he had the privilege, before replying, of consulting with the FBI representative. The FBI representative accompanied Matter to the SSC offices and made himself available as indicated above.

Set forth below is a statement which Matter prepared and voluntarily furnished to the FBI which reports the results of the interview of him. Items underscored for emphasis or otherwise, and items placed in quotation marks are as indicated by Matter in his preparation of this statement. Only a minimal number of typographical and grammatical corrections were made by the FBI in the reproduction of Matter's statement.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC
Statement of John M. Matter

STATEMENT OF JOHN M. MATTER

The following information is supplied as a result of an interview of former SA John M. Matter by SSC Staff Members Michael Epstein (asked about 95% of the questions) and Ms. Mary DeOreo (asked about 5% of the questions). The information is presented according to subject matter and not in the chronological order in which it was asked because Epstein kept going back and picking up points that had been discussed previously.

The interview began at 11:35 a.m. on Friday July 25, 1975, and lasted until 5:40 p.m. with an hour out for lunch and three 10 minute breaks. It was held in a small, acoustically-treated room (former projection booth), up one flight of stairs above room G-308, Dirksen Senate Office Building. Epstein advised that this was an interview concerning the part I had in the Bureau investigation of Martin Luther King, Jr. (hereinafter MLK). He did not advise me of my rights until I called his attention to the lack of this about 5:00 p.m., at which time he told me all information I gave was to be supplied voluntarily, that anything I said could be the subject of further investigation by his Staff and that I could decline to answer any questions which I did not feel were within the scope of the inquiry.

Epstein asked if I had discussed the MLK matter with any Bureau personnel this morning (July 25, 1975 - he saw me come to G-308 with the FBI representative who was available for consultation), and I stated I had discussed procedural matters with SAs Paul Daly and Seymor Phillips, both of whom had leaned over backwards to limit my discussion to procedural matters and nothing else.

Epstein asked for and I supplied background information as to my present address, when I entered on duty in the Bureau, the field offices (FOs) where I had worked,

when I was first assigned to the Radio Engineering Section (hereinafter Re SEC), and how long I was in that Section. He asked how I would describe my particular kind of work and I told him "security work" in the Security Unit in which I ultimately became Unit Chief. He inquired if I was assigned to other than the Re SEC and I advised that when I first reported on duty in the Laboratory in 1944, it was the Electrical Section, but that about two or three years later that Section was merged with the Re SEC. He asked and was told that the Chief of the Re SEC at the time was I. W. Conrad, who later became Assistant Director of the Laboratory.

After about 10 minutes, Epstein started to question me as to what Units existed in the Re SEC, what type of work was done in the Units and who was working with me in my Unit, explaining that he was trying to get an idea of how the Re SEC was set up and where an investigation of MLK-type would fit into that Section. I asked for and was granted permission to see the FBI consultation representative who accompanied me. When advised by me of this line of questioning, the representative told me to supply such information as to the Re SEC's set-up and the name of any Agents in my Unit. On returning to the interview, Epstein then produced an FBI organizational chart from the position of Director on down through the individual units in the sections under each division (this chart appeared to be one issued after my retirement in May, 1971). He called my attention to the Re SEC and the Units listed thereunder, all of which dealt with radio matters except one which was listed as "Evidence Examinations." I advised him that my work fell into the latter and that all other units listed had to do with some phase of radio communications used throughout the Bureau. I furnished him at his request the following names of persons who had worked with me in "security matters" during 1960 to 1968, which he named as the period in which he was interested:

Wilbur G. Stevens, Robert A. Miller, William E. Harward, and William D. Campbell. I stated that there may have been others whose names I could not recall or who did not fit into the time period he mentioned. He asked and I advised that during that period, Richard L. Millen was Section Chief and Arthur J. Baker was his Number One Man.

Epstein and DeOreo specifically named the following persons and asked if they were connected in any way with the MLK investigation: Pfafman, Mayo, Swartz, Bradley, Stevens, and Berley. I advised that Robert F. Pfafman and George W. Mayo had retired from the Re SEC about 1956 and 1958 respectively, Richard Swartz about 1968, Wayne Bradley about 1974, Wilbur G. Stevens was still in the Section, and succeeded me as Unit Chief, that George Berley was in another Section of the FBI Laboratory, and that to my personal knowledge none of the above had been connected with the MLK investigation. Epstein specifically asked whether "Don Parsons" would have been involved and I told him I had no knowledge of such. He asked if I knew Parsons and I said yes, he had been a former Assistant Director of the FBI Laboratory.

Epstein and DeOreo questioned me at <u>great length</u> as to how I got my assignment in the MLK investigation, who authorized the investigation, how long my work took, how "the tapes" came into my possession, how I used "the tapes" during my work, what I did with "the tapes" after I was finished with my assignment, and whether anyone else worked with me on the assignment (specifically asking me if I knew "a William Campbell"). They also inquired what case supervisor I dealt with in the Domestic Intelligence Division (hereinafter DID). Some of these points were gone over by the interrogators two or three times. I advised largely as follows and qualified many of my answers as being "to the best of my memory," and in some instances I could not recall specific details or names:

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC
Statement of John M. Matter

My assignment came orally from Section Chief Millen and quite possibly Assistant Director Conrad in a conference of the three of us in which I was advised that a Top Secret investigation of MLK had been authorized by the then Attorney General (AG) Robert F. Kennedy to determine if any attempt was being made by the Communist Party (CP) to infiltrate MLK's organization and use it to serve the Party's purposes. This particularly related to at least one highly-placed MLK staff member (whose name I do not recollect) who had been associated with CP activities in the past. I was told that I was to render all technical assistance that was required in keeping with any requests made by then DID Assistant Director, William C. Sullivan, or DID case supervisor handling the investigation. Some tapes from the AG-authorized MLK installations would be received by me, and I was to prepare a composite tape of any derogatory information in those tapes. William Campbell of the Washington Field Office (WFO) was to work with me and was to be primarily responsible for preparing a transcript of the WFO tapes, while pinpointing for me any information that might be of value for the composite.

Campbell came to the Re SEC with the WFO tapes and he and I set up the necessary transcription and filtering equipment for him in the studio and control room parts of Room 7318 in the Justice Building (JB). At some point additional tapes were received from authorized MLK installations in [redacted]

Court Seal [JFK Law 10(a)1]

I would have determined these locations either from "identification on the tape reels" or from "letters of transmittal," as such actually received with the tapes. I could not specifically recall whether any of the tapes were received directly by the Re SEC, from the last three FOs, but was of the opinion that they were most likely received from the DID case supervisor whose name I could not specifically recall. I was asked specifically if that case supervisor's name

was "Ryan," "Seymor Phillips," "Frank Baumgardner," or "Lish Whitson." I replied that I did not know a Ryan, and that Phillips, Fred (not Frank) Baumgardner and Lish Whitson were possibilities but I could not specifically recall whether it was any one of them. Epstein hammered on "who was the case supervisor," but I could give him nothing more definite than I had indicated.

It took me somewhere between one and two weeks to complete my part of the assignment. There were inquiries from both my Section Chief and the DID as to progress. There were long hours put in by both Campbell and myself to do an accurate and reliable job as well as possible. No one else was assigned except us two because of the highly sensitive nature of the material and its classification. I did not specifically recall if "working copies" were made immediately from the FO tapes, but most likely such was done since this would eliminate the possibility of damaging the FO tapes during transcription. At the same time I would have been able to monitor the FO tapes to gain familiarity with the subject matter and any sections which I might use for the composite or were unintelligible. It is possible that Campbell may have monitored the tapes with me at the same time with a second set of earphones, but I could not specifically recall such. I made the composite by copying the pertinent sections from the FO tapes onto a single reel. The first part of the composite would contain all the excerpts from one FO; the second part of the composite, the excerpts from another FO; and so on through the third and fourth parts. There possibly were gaps within the excerpts to indicate discontinuity and possibly longer gaps between the end of all excerpts from one FO and the start of excerpts from another FO.

To the best of my recollection, the final composite did not contain splices between excerpts or between the FO groups or excerpts. The composite was sterile (not traceable

to any source) as to the ¼ inch recording tape itself, the 7 inch plastic reel containing the tape, and the 7 inch box containing the reel. I do not recall whether it was a commercial or a plain box. I estimate the total elapsed playing time of the composite as being somewhere between 45 and 90 minutes, but I could not recall the specific time nor the tape speed.

Epstein made quite a point of asking if the composite had actually been put together as explained above, or whether it was put together in the following manner: one or more excerpts from one FO tape immediately followed by one or more excerpts from another FO tape, and followed again by one or more excerpts from a third or fourth FO tape. It appeared that he was trying to indicate that the composite had deliberately been put together in such a manner as to create a false impression as to where the excerpts had come from. I stated that to the best of my memory the composite had not been the target in that manner and I categorically denied that any effort had been made on my part to have the composite convey an idea other than that which was actually on the tape. When the composite was finished I made two or three copies of it which I identified as "third generation tapes," while I considered the composite a "second generation tape." I delivered the composite, most likely in the government routing envelope, to William C. Sullivan in the JB, fifth floor office of then Assistant to the Director Alan Belmont. I recalled that this was on a Saturday and Belmont was in his office with Sullivan. Delivery was made to Sullivan as a result of instructions I had most likely obtained from Millen or Conrad who also told me to inquire of Sullivan if there was anything else he wanted me to do. I so inquired and Sullivan replied that there was nothing further and that he would take it from there. I could not recall if I delivered two or three copies of the composite to Sullivan at the same time or whether they were sent to him or the DID case supervisor by special messenger the following Monday. Nor could I specifically recall if I

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC
Statement of John M. Matter

gave a composite copy to Campbell so that he could make a transcription of it. However, that was a possibility because Campbell had the job of transcribing the WFO tapes and worked at it up to 6 weeks or two months.

To the best of my recollection, Campbell retained the WFO tapes and I have no way of knowing whether I used all WFO tapes or only those Campbell selected as being pertinent.

Court Seal [JFK Law 10(a)1]

[redacted]

Court Seal [JFK Law 1

I do not recall the specifics, but the tapes from [redacted] were returned to the DID case supervisor either when I had furnished my part of the investigation or after Campbell completed his work. About two years after that, I got a telephone call from the DID case supervisor inquiring as to whether the Re SEC still had the tapes. I verified that he was the case supervisor and assured him the [redacted] tapes had been sent to the DID after the Laboratory's work had been completed.

I have no specific knowledge as to what was to be done with the composite or the copies thereof. The preparation in the sterile form of tape, reel and box was apparently done as a result of a specific request made by William C. Sullivan.

[redacted]

Court Seal [JFK Law 10(a)1]

[redacted] I supposed that Bureau officials had their own reason for requesting such a composite, but I was never told.

Epstein kept pressing me with "didn't you think this was strange?" and finally "what was your opinion?" To the former I replied "not necessarily," and to the latter I said a possible reason could have been that Bureau officials wanted to give the composite to AG Robert F. Kennedy to show him the type of information being obtained so that he could decide whether the surveillances he had authorized were to be continued. I never discussed the "MLK tapes" with anyone in the Crime Records Division. I don't rule out the possibility that some member of that Division may have asked whether I had worked on the tapes, but I certainly had no discussion on the subject matter. I did not discuss the tapes with "Deke" DeLoach (specifically named by Epstein after he had asked me whether I had discussed the tapes with anyone in the Crime Records Division). Epstein asked if I had any knowledge of Ernie Belter having anything to do with the MLK installation - WFO, and I told him, "none."

He appeared to be trying to find some sort of record within the Bureau so that he could get names, dates and assignments. In answer to his inquiry, I stated that it was quite likely I had received an "assignment slip" to account for my time in the case. I seriously doubted that such a slip would bear the name of MLK but would most likely have identified it as a "special case" or the "MLK case." I had no knowledge of how Campbell's assignment was handled. A register is kept in the Re SEC for personnel signing in and out, but this would only show dates and times worked by me and other personnel, and would not indicate what I was doing during a particular day or 'period of time period." Campbell, being assigned to WFO, would have signed in and out on the WFO register, even though he was working for a longer period of time in the Re SEC space.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC
Statement of John M. Matter

I have no knowledge that a physical and/or photographic surveillance of MLK was conducted by the Bureau.

I received no "letter of commendation" or "meritorious raise" as a result of my work on the MLK case. Nor was the latter specifically or otherwise mentioned in my last efficiency report. Epstein was very specific in asking about the letter of commendation, the meritorious raise and the efficiency report.

He asked if I was aware in <u>any</u> way that the tape had been furnished newsmen. I told him that I had a recollection of reading an article in a newspaper or weekly news magazine a few months or a year or more after my assignment that MLK tape information had been obtained by or furnished to newsmen. I wondered at the time how they had been able to get the information. I also pointed out that within the last year or two there have been a number of references by several featured news columnists that MLK tape information had been leaked to selected columnists. I again denied that at the time I delivered the composite to Sullivan that I had any specific knowledge of the use to which it was to be put.

Epstein and DeOreo <u>did not</u> ask if I had any further information to furnish to them which had not been brought out by questioning. It was <u>very apparent</u> that they did not wish to pursue the subject matter in a composite tape any further after I stated that [redacted] Nor did they pursue the interest of former AG Robert F. Kennedy in the case after his name was mentioned. Epstein wanted to know if it was apparent from the tapes that each [redacted]

Court Seal [JFK Law

Court Seal [JFK Law 10(a)1]

Epstein gave me no explanation as to where he obtained the names that he specifically mentioned to me. It appeared to be his desire to conduct a thorough interview and to clear up confusion in his mind, possibly caused by conflicting reports about the tapes. He and DeOreo were courteous and stayed well within the legitimate bounds of the MLK investigation except as possibly indicated by his questions concerning the makeup of the Re SEC and its Units. While he did not state it specifically, as such, it appeared to me that he was trying to determine how tape recordings resulting from microphone surveillances were handled in a Section which dealt with radio matters. He seemed satisfied when I told him that the work of my Unit came under the "Evidence Examinations" Unit. He also accepted my explanation of "security work" with the comment that such sensitive work certainly was of a security nature. He made no effort whatsoever to inquire as to what further work I may have done in the Section. He specifically asked whether I had given any MLK information to Stevens, and I replied that while I could not recall specifically, this was possible because Stevens and I worked closely together and he would have had to take over the case in my absence.

At a point near the end of the interview, Epstein asked me if I am a personal friend of William Sullivan, Seymor Phillips, Fred Baumgardner and Lish Whitson. I replied, "No." Epstein indicated doubt, to which I added that my relations with all were purely official. Epstein then asked if I held any animosity toward Sullivan. I answered, "No." He then inquired, "You don't have any?" Again I replied "No."

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC
Statement of John M. Matter

NOTE:

Briefing of Matter prior to interview was by Supervisor P. V. Daly and by Supervisor S. F. Phillips of INTD. The latter accompanied Matter to the interview and prepared this letterhead memorandum based upon a statement which Matter dictated and had typed at FBIHQ on the day following the interview.

CLASSIFY AS APPROPRIATE

E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

	DOCUMENT		BRIEFING	X	INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

8/7/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

	SSC
	HSC

The Attorney General with acopy for forwarding to the White House

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum reporting results of an interview by SSC Staff Members of former Special Agent of the FBI John M. Matter.

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

NA

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Surveillance, electronic
Organization and staffing

#MDR16
10/10/00 SP-2 ALM/JTG

8. SUMMARY (see reverse side before completing this item)

Former FBI investigation of Martin Luther King, Jr.

62-116395

FMK:fmk
(4)

ORIGINAL VIA LISISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

5. WOC

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

~~SECRET~~

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

July 28, 1975

1 - Mr. W. O. Cregar
1 - Mr. R. D. Hampton

The Attorney General

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

10/13/00 #mpd18 SP2 ALM/TG

Reference is made to a letter from the SSC dated July 14, 1975, requesting certain documents and other information from the FBI.

Attached for your approval and forwarding to the Committee is a memorandum containing a partial response to requests contained in referenced letter, but which represents, in its entirety, our reply to the Committee's inquiry concerning the nature of "SCOPE." A copy of this memorandum is being provided for your records. ~~(S)~~ (S)

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

ENCLOSURE

REC-26 62-116395-518

21 AUG 14 1975

RDH:mjg
(9)

NOTE:

(S) Referenced SSC letter requested information concerning SCOPE and ORKID. Information concerning ORKID will be handled by CI-1 and will be disseminated orally to the proper representatives of SSC. (S)

Classified "Secret" to protect a sensitive investigative technique.

~~SECRET~~
~~Classified by 7005~~
~~Exempt from GDS, Category Number 2~~
~~Date of Declassification Indefinite~~

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

84 AUG 18 1975

SECRET

2 - Mr. J. A. Mintz
(1- Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

62-116395

July 28, 1975

1 - Mr. R. D. Hampton

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

#MDR 16 10/18/00 SP-2 ALM/JTG

RE: [SCOPE] (S)

Reference is made to the letter from the captioned Committee dated July 14, 1975, which requested, in part, that the Committee be advised concerning the nature of [SCOPE.] (S)

SCOPE was the code word for a special channelizing procedure whereby information received from an electronic surveillance conducted by the FBI in the United States on a certain foreign diplomatic establishment as well as selected foreign officials from that government was disseminated to interested United States Government agencies. The code name SCOPE indicated such information was to be handled in a most secure manner and access to it was to be restricted within these agencies to only specifically designated people. This channel is no longer being utilized. (S)

1 - The Attorney General

ORIGINAL AND ONE COPY TO AG

RDH:mjg
(8)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
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Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

SECRET

Classified by 7005
Exempt from GDS, Category Number 2
Date of Declassification Indefinite

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ENCLOSURE 62-116395-518

SECRET

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

July 14, 1975

10/13/00 #MDR16
BYSP2 ALM 1776
ON:25X1

K. William O'Connor, Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. O'Connor:

As indicated in the enclosure to the Committee's July 9, 1975 letter to the Attorney General, we are still awaiting several requested items which relate to the relationship between the FBI and the CIA.

Although an FBI file search is presumably underway to locate all items which would be responsive to that section of the Committee's request, we would appreciate receiving as soon as possible, as a partial response, all of the items bearing on this subject which were specifically identified in the attachment to the Committee's May 14, 1975 request, as well as the exchange of correspondence between the FBI and the CIA which occurred on March 11 and 20, 1970, and which related to domestic intelligence collection. *

Finally, we would appreciate your advice concerning the nature of ["SCOPE" and Operation ORKID] which are identified in the above-referenced March 20, 1970 letter from Director Helms to Director Hoover. (S)

Your cooperation would be appreciated.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

Req. in part info re: [Scope] Program (S)

RECEIVED JUL 14 1975 KWO'C

Secret

ENCLOSURE 62-116395-518 RDH

* These letters referred to domestic collection of foreign intelligence WRW

5-140 (Rev. 1-21-74) **FEDERAL BUREAU OF INVESTIGATION**
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 7/28/75

Caption of Document: U. S. Senate Select Committee on Intelligence Activities. Re: SCOPE. (Relet from captioned Committee 7/14/75 concerning nature of SCOPE.)

Originating Office: FBI

Delivered by: Richard L. Taylor Date: 8-8-75

Received by: [signature]

Title: [signature]

Return this receipt to the Intelligence Division, FBI

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/13/00 BY SP2 ALM/JMG

E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

CLASSIFY AS APPROPRIATE

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

7/28/75

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

#MDR 16 10-13-00 SP-2 ALM 1876

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 7/14/75

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

S

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Surveillance, electronic
Intelligence collection, domestic

8. SUMMARY (*see reverse side before completing this item*)

SCOPE was the code word for a special channelizing procedure whereby information received from an electonic surveillance conducted by the FBI in the United States on a certain foreign diplomatic establishment as well as selected foreign officials from the government was disseminated to interested United States Government agencies. The code name SCOPE indicated such information was to be handled in a most secure manner and access to it was to be restricted within these agencies to only specifically designated people. This channel is no longer being utilized. (S)

62-116395

TREAT AS YELLOW

S. Woy

(FMK:fmk
(4)

ORIGINAL VIA LIAISON TO THE CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
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July 21, 1975

LEGAL COUNSEL DIVISION

Attached teletype advises former SA John Matter was requested by the Senate Select Committee to make himself available for interview at 11:30 a.m., 7-25-75. Mr. Matter telephonically advised this will be a staff interview concerning the Bureau's investigation of Martin Luther King. He requested a Bureau representative be available for consultation during the interview.

Matter will be briefed by representatives of the Intelligence and Legal Counsel Divisions prior to his interview.

Legal Counsel Division recommends that any applicable employment agreement be waived for purpose of this interview and that an Intelligence Division representative accompany Matter to be available for consultation during interview.

1 - Intelligence Division

Enclosure
PVD:ech
(3)

#MDR16

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.:
Admin. ____
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Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
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Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-10-00 BY SP-2 ALM/116 #MDR-16

NR001 TP CODE

8:58AM URGENT JULY 21, 1975 JFD

TO DIRECTOR (62-116395)

FROM TAMPA (105-5390)

SENSTUDY 75

RE TAMPA NITEL JULY 11, 1975.

ON EVENING JULY 20, 1975, FORMER SA JOHN MATTER, TELEPHONE 813-936-1691, WAS TELEPHONICALLY CONTACTED AT FT. MYERS BY MIKE EPSTEIN OF SENATE SELECT COMMITTEE STAFF. EPSTEIN REQUESTED MEETING AT FT. MYERS THE NIGHT OF JULY 22 OR THE MORNING OF JULY 23.

REC-26 517

ABOUT ONE HOUR AFTER INITIAL CALL, EPSTEIN CALLED MATTER AGAIN AND FINALLY SET APPOINTMENT FOR FRIDAY, JULY 25, 1975, AT 11:30 A.M., ROOM G308, NEW SENATE OFFICE BUILDING.

AUG 14 1975

MATTER WILL TRAVEL TO WASHINGTON FOR THIS MEETING AND REQUESTS SUPERVISOR PAUL DALY, LEGAL COUNSEL DIVISION, TO TELEPHONICALLY CONTACT HIM IN FT. MYERS. MATTER DESIRES BUREAU REPRESENTATIVE AT MEETING JULY 25, 1975.

END

SMD FBIHQ CLR

PERSONNEL RECORDS

Records cc 67 (John Matter)

Daly

Mr. Paul Daly

84 AUG 20 1975

FRANK CHURCH, IDAHO, CHAIRMAN
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WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

Assoc. Dir.	
Dep. AD Adm.	
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Director Sec'y	

FMOR16
SP-2 ALM/JTG
10-10-00

July 16, 1975

(Senstudy '75)

RECEIVED
17 1975
O.L.A.

The Honorable Edward H. Levi
The Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Being handled by Mr. Adams with Mr. O'Connor in the DAG's office 7/21/75

Dear Mr. Attorney General:

Thank you for your letter replying to our letter concerning access by certain members of the Select Committee to files and documents concerning them held by the Department, including the FBI.

The Committee has resolved to adopt a slightly different procedure than that proposed in your letter. As you know, the purpose of this particular request is to enable the members, through analysis of materials relating to them, to obtain general insights into how the Department of Justice, including the Federal Bureau of Investigation, collects, maintains and retrieves for itself material on Americans generally. Accordingly, we suggest that at a mutually convenient time, the designated members come to the Department or the Bureau and physically go through the retrieval process with the persons who would be responsible for performing that function in a real life situation. The Committee members do not wish to have their individual files either removed from the filing system or "sanitized" prior to their reviewing them.

EX-101 REC-26 62-116395-516

This proposed method of on-site review may help, moreover, to alleviate the possible problems of disclosure to the particular members which your letter adverted to. We are sure that you could discuss any remaining actual problems with the members themselves at your premises, including whatever retrieval problems may exist with respect to the letters from the members themselves which you referred to.

EXP. PROC.
JUL 18 1975

9 JUL 25 1975

In the first instance, what the members seek is insight

The attached letter was forwarded to the Bureau by the Department.

LEGAL COUN.

8 4 AUG 1 1975

and understanding. After the initial review, further steps to record facts and reach conclusions can be agreed upon as appropriate.

Senator Baker and Senator Philip Hart wish to be added to the list of Senators who wish to examine their own files.

Sincerely yours,

Frank Church
Frank Church (D-IDAHO)
Chairman

John Tower
John Tower
Vice Chairman
(R-TEXAS)

THE DIRECTOR OF CENTRAL INTELLIGENCE FBI

WASHINGTON, D. C. 20505

Intelligence Community Staff

DCI/IC 75-2614
11 August 1975

Senstudy - 75

MEMORANDUM FOR: Members of the USIB Ad Hoc Coordinating Group

SUBJECT : Security Clearances

Attached is an updated listing of staff personnel certified by the Staff Director/Senate Select Committee as meeting the requirements of Executive Order 10450 for access to classified information up to and including TOP SECRET. Some of these individuals have been certified as meeting the requirements of DCID 1/14 and have been provided the appropriate briefing.

REC-26 62-116395-515

EX-101

Jack E. Thomas
Jack E. Thomas
Major General, USAF (Ret.)
Chief, Coordination Staff/ICS

Attachment

AUG 14 1975

Treat as original

ENCLOSURE

5-P

#MDR16

SP 2 Alm 1 #16

10-10-00

Rec'd from CIA 8/12/75

84 AUG 18 1975

IC STAFF VERIFICATION OF CLEARANCES

Staff Members of the Senate Select Committee on Intelligence Activities who have received a security investigation by the Federal Bureau of Investigation within the past five years and are certified as meeting requirements of EO 10450 for access to classified information up to and including TOP SECRET. 11 AUG 1975

Name	Compartmented Clearance Designated	Compartmented Clearance Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Aaron, David	*	B 4/15	8-21-38	Ill.	550-44-7971	
Bader, William	*	B 4/17	9-8-31	NJ	545-30-3377	TF Badge
Bayly, John	*	B 5/19	1-26-44	DC	578-60-2305	
Banoff, Barbara	*	B 6/26	12-20-45	Cal.	561-68-9123	
Barkey, Howard	*	B 6/2	1-26-17	Mo.	490-01-6758	
Baron, Frederick	*	B 5/19	12-2-47	Conn.	494-54-5241	
Benz, Charity I.	*	B 5/23	7-23-46	NY	053-38-7410	
Betts, Richard K.	*	B 7/1	8-15-47	Pa.	016-38-2619	
Binkin, Martin	*	B 8/5	5-6-28	Mo.	498-20-5633	
Birdsell, Wayne			5-2-06	DC	578-03-1841	
Bloomfield, Beth Susan	*	B 7/14(H, G, K)	12-23-51	Ohio	256-92-0341	
Bouschard, Samuel	*	B 6/10	3-12-24	Maine	007-18-3292	
Brissett, Belva	*	B 6/10	6-23-41	Ok.	440-44-6374	
Brooks, Nancy	*	B 5/23	2-14-40	Ky	313-38-6773	
Brown, C. Harold			6-6-38	Ohio	278-34-3428	
Brown, Maxine	*	B 6/26	8-8-28	Ida.	568-40-3123	

ENCLOSURE

62-116395-513

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/16/00 BY

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Bushong, David	*	B 71/4	8-10-47	Ohio	289-40-1203	
Carpenter, Margaret	*	B 5/19	8-27-44	Cal.	555-62-6129	
Carter, Barry	*	B 4/24	12-14-42	Cal.	567-56-8854	
Chesnick, Barbara	*	B 7/14	4-18-46	WI	390-46-2235	
Culbreth, Elizabeth	*	B 7/2	6-23-42	NC	240-64-9040	
Davis, Lynn	*	B 4/17(Port)	9-6-43	Fl.	042-36-9155	TF Badge
Dawson, Thomas	*	B 6/26	9-9-52	Minn.	471-60-1688	
Dawson, Rhett	*	B 5/19	12-9-43	Ill.	351-34-4329	
DeMarco, James	*	B 6/26	3-12-43	W. Va.	286-36-9097	
Dennin, Joseph Francis	*	B 6/23	6-9-43	NY	567-62-5353	
DeOreo, Mary	*	B 6/26	6-13-47	Ohio	287-42-6258	
DeTemple, Mary	*	B 7/29	6-16-25	Wisc.	394-20-5968	
DiGenova, Joseph E.	*	B 6/26	2-22-45	Del.	222-28-5430	
Dick, James	*	B 6/26	7-25-47	Mass.	029-36-6745	
Dillon, Molly	*	B 6/10	4-16-51	Va.	150-38-4588	
Doolittle, Patricia			8-12-43	NC	213-42-6360	
Dwyer, Daniel	*	B 7/14	8-24-52	Ma.	023-44-8792	
Elliff, John	*	B 5/23	6-30-41	DC	345-34-2468	
Epstein, Michael Taylor	*	B 6/26	3-10-37	Mass.	026-28-6318	
Erno, Joan			8-30-46	DC	215-46-2988	

11 AUG 1975

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Fenn, Peter	*	B 4/24	12-12-47	Ma.	213-50-1123	
Ford, Harold	*	B 6/26	3-23-21	Cal.	550-16-4630	
Gitenstein, Mark Henry	*	B 5/28	3-7-46	Ala.	420-60-8767	
Grant, Bruce	*	B 7/2	6-16-16	Neb.	507-20-1311	
Greissing, Edward	*	B 7/14	11-27-50	Germany	296-50-4113	
Hanback, Sara Susan			2-4-46	W. Va.	215-46-3141	
Harrigan, Arthur	*	B 5/19	3-16-44	NY	141-34-1031	
Hatry, Audrey Helen	*	B 5/19	6-10-23	Md.	216-14-8691	
Hodges, Paulette	*	B 7/29	4-17-43	Okla.	224-60-2495	
Inderfurth, Mark K.	*	B 4/29	9-29-46	NC	245-74-5617	TF Badge
Iverson, Portia	*	B 7/14	10-22-50	W. Va.	233-84-0847	
Jefferson, Arthur M.	*	B 6/26	3-16-44	NY	141-34-1031	
Johnson, Dorothy			6-8-25	Or.	540-20-6413	
Johnson, Loch	*	B 4/29	2-21-42	N. Zealand	566-62-0478	
Johnston, James	*	B 7/29	1-6-44	Kan.	495-46-9594	
Karalekas, Anne	*	B 5/28	11-6-46	Ma.	023-36-4329	
Kayden, Jeffrey	*	B 7/14	3-22-51	NY	065-40-7277	
Kelley, Robert	*	B 5/19	10-29-40	Ind.	559-54-1348	
Kieves, Lawrence	*	B 5/19	1-4-48	NY	068-38-6464	
Kirbow, Charles	*	B 4/24	10-2-22	Ga.	252-12-5112	TF Badge.
Kirchheimer, Joseph			6-3-17	Ill.	359-03-7843	

11 AUG 1975

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Koppal, Diane	*	B 6/26	6-24-48	NC	219-48-0018	
LaVoy, Diane	*	B 6/10	11-10-48	Venezuela	165-40-3119	
Liebengood, Howard			12-29-42	In.	307-44-9707	
Lombard, Charles	*	B 4/24	6-2-30	France	578-44-9471	Badge
Lynch, Mary			3-16-26	W. Va.	250-38-1344	
MacDonald, Naldeen			10-19-51	Brazil	225-78-8708	
Madigan, Michael James	*	B 4/15	4-18-43	DC	042-34-3797	TF Badge
Marshall, Benjamin	*	B 4/17	5-4-19	NE	485-28-4503	
Marshall, Burke			10-1-22	NJ	577-44-5241	
Mascioli, Cynthia	*	B 6/26	1-4-51	NY	112-44-7636	
Mason, Judy	*	B 6/10	1-6-46	DC	578-60-7280	
Maxwell, Elliot Everett	*	B 4/15	7-24-46	NY	133-34-4225	TF Badge
Mayo, Betty	*	B 6/26	2-13-22	Ohio	277-14-4062	
McCorkle, Daniel			6-25-55	Ohio	297-56-6722	
Mecham, Martha Evans	*	B 5/23	2-11-40	Cal.	528-48-6848	
Miller, William G.	*	B 4/15	8-15-31	NY	109-26-4349	
Monaco, Patricia	*	B 5/23	10-17-35	NJ	157-26-8100	

11 AUG 1975

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Moore, Janet	*	B 5/23	4-9-43	Iowa	484-52-9820	
Murphy, Michael	*		10-13-54	Tex.	231-86-8829	
Nash, Dorothy			7-24-12	Wisc.	399-14-4589	
O'Flaherty, James Daniel	*	B 4/15	11-4-42	Ill.	239-62-8495	Badge
Orloff, Jan	*	B 6/26	11-14-47	Cal.	558-74-8394	
Owens, Drena	*	B 6/2	12-8-42	NC	242-68-3271	
Peterson, John F.	*	B 6/26	6-15-41	Cal.	565-56-7707	
Pitts, Susan	*	B 6/10	10-24-53	Canada	020-40-7638	
Postal, Andrew	*	B 7/23	5-11-48	NY	128-40-4695	
Pyle, Christopher	*	B 6/26	11-24-39	Mass.	019-30-9898	
Quanbeck, Elton	*	B 5/19	5-15-26	N. Dak.	501-14-4534	
Ralston, Theodore	*	B 7/23	8-25-48	Wash.	538-48-4673	
Rhea, Gordon	*	B 6/26	3-10-45	Va.	412-74-7901	
Richard, Eric	*	B 7/10	12-27-49	NY	128-40-7430	
Ricks, Walter	*	B 6/26	12-27-46	Ga.	244-74-4304	
Romberg, Alan	*	B 4/22	12-1-38	NY	107-30-8583	
Rowe, James	*	B 5/19	6-6-51	DC	579-62-6719	
Schneider, Ruth	*	B 5/23	10-31-44	Conn.	008-32-0180	
Schwarz, Frederick A. O. III	*	B 4/15	4-20-35	NY	084-30-2047	
Seidel, Lester	*	B 6/26	7-17-44	DC	216-38-5204	

11 AUG 1975

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
Shea, Patrick	*	B 4/15	2-28-48	Utah	528-64-1965	
Shelburn, Frank			5-30-13	Va.	338-24-6934	
Smith, Elizabeth	*	B 5/19	6-21-49	NY	076-42-0199	
Smith, John L.	*	B 6/26	3-3-39	Ky.	400-52-5800	
Smith, Stephanie			3-23-54	Ohio	282-58-6476	
Smothers, Curtis	*	B 5/16	8-26-43	Md.	220-38-9869	Badge
Snider, Lewis Brittle	*	B 4/24	1-12-45	NC	246-72-0956	
Talley, Martha	*	B 6/26	9-7-50	NC	245-88-1368	
Tascione, Rosemary			6-23-45	NY	085-34-6648	
Thoben, Florence			6-2-10	Ind.	313-12-1857	
Thomas, Robert.			12-16-25	Md.	219-14-5186	
Tomalonis, Alexandra			6-1-48	Md.	200-38-8408	
Towell, Mary	*	B 6/10	4-25-44	Tenn.	566-64-7628	
Treverton, Gregory	*	B 6/2	1-21-47	Colo.	524-62-2459	
Trueheart, William	*	B 6/2	12-18-18	Va.	225-20-6411	
Turner, James	*	B 7/14	6-29-53	Cal.	215-64-7255	
Tschirgi, James	*	B 6/26	2-23-25	Wyo.	520-16-7290	
Vance, James	*	B 7/23	4-6-36	Ohio	078-28-3950	
Wallach, Paul	*	B 6/26	5-24-47	NY	149-36-2999	
Ward, Fred			11-20-40	DC	225-50-9983	

11 AUG 1975

Name	Compartmented Clearance Designated	Briefed (SI, TK, B)	Date and Place of Birth		Social Security No.	
White, William	*	B 7/10	8-8-39	Pa.	168-30-9147	
Wides, Burton. Victor	*	B 4/17	6-14-41	NJ	139-30-1936	TF Badge
Wiik, Carol Ann	*	B 5/23	4-21-51	Mass.	017-40-7170	
Wilson, Otis	*	B 6/10	5-16-20	Va.	557-14-5461	
Zimmerman, Peter Brown	already briefed		3-26-46	Ill.	227-60-1093	
Zimmerman, Phebe	*	B 8/5	12-1-50	Ohio	271-54-1724	

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. E. Burns

The Attorney General

July 16, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

By letter dated May 14, 1975, with attached appendices, the SSC requested certain information and documents from the FBI.

Enclosed for your approval and forwarding to the Committee is the original of a memorandum with enclosures which is in response to two of the Committee's requests.

A copy of this memorandum with enclosures is being furnished for your records.

Enclosures (6)

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

TEB:jmm/lhb
(9)

REC-26

EX-101

62-116395-514

AUG 14 1975

ENCLOSURE

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O -

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. E. Burns

62-116395 #MDR16 10/10/00 SP-2 ALM/ZTG

July 16, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: DOCUMENTS PERTAINING TO THE
COMMITTEE'S PRIOR REQUESTS

RE: FURTHER DOCUMENTS PERTAINING TO
THE FBI AND DEPARTMENT OF JUSTICE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Reference is made to SSC letter dated May 14, 1975, with attached appendices, requesting certain documents and other information from the FBI.

Item number 5.e., Appendix A, of referenced communication requests all memoranda of the FBI and the Justice Department discussing the legal authority of the FBI to use informants, including possible entrapment, provocation, interference with lawyer - client relationship, or other problems, to (1) investigate internal security matters, (2) collect intelligence information, and (3) engage in counterintelligence activity.

Items number 4.a. and 4.b. of Appendix B of referenced communication requests, inter alia, with regard to 5.e. above, all memoranda and other materials relating to the original decision to use the technique as well as the policies and procedures of the FBI for the utilization of the technique.

Enclosed with this memorandum is one memorandum responsive to the request in 5.e. above, regarding the legal authority of the FBI to use informants. This memorandum is captioned "Legal Authority of the FBI to Use Confidential Informants as an Investigative Technique," and dated July 24, 1973.

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TEB:eks (8) Original and one copy to Attorney General

62-116395 SEE NOTE PAGE 3

MAIL ROOM ☑ TELETYPE UNIT ☐

ENCLOSURE

GPO : 1975 O - 569-920

United States Senate Select Committee
To Study Governmental Operations With
Respect to Intelligence Activities (SSC)
Re: Documents Pertaining To The
Committee's Prior Requests
Re: Further Documents Pertaining To
The FBI and Department of Justice

Also enclosed is a copy of SAC memorandum 23-75 dated May 27, 1975, which is believed responsive to 5.e. This particular SAC memorandum is being provided herewith, since, in view of its recent date, it was not included in the index of SAC Letters and Memoranda previously made available to the SSC Staff.

With regard to that portion of 5.e., above, concerning "possible entrapment, provocation, interference with lawyer - client relationship or other problems," as it relates to informant operation, there are no Bureau memoranda or other material addressing these areas, as the same policy and procedures applicable to Special Agent conduct regarding these problems similarly apply to informants. In response to your general request under 4.b., above, FBI policy and procedures concerning such matters are set forth in the Manual of Instructions (MOI) and the Manual of Rules and Regulations (MRR), which have already been made available to SSC Staff Members pursuant to an earlier request and to the SAC Letters and Memoranda which are being made available to SSC Staff personnel for review pursuant to another request.

With respect to your request under Item 4.a., above, no memoranda or other materials were located relating to the original decision to utilize informants in our investigations.

It is noted your requests under Item 5., Appendix A, of referenced communication were directed by you to both the FBI and the U. S. Department of Justice (DOJ). Our response in this matter with respect to legal authority should therefore be viewed in conjunction with any material you may have received or will receive from the U. S. DOJ.

Enclosures (2)

1 - The Attorney General

United States Senate Select Committee
To Study Governmental Operations With
Respect To Intelligence Activities (SSC)
Re: Documents Pertaining To The
Committee's Prior Requests
Re: Further Documents Pertaining To
The FBI And Department Of Justice

NOTE:

The above response covers two separate requests in Appendices A and B since such requests are cross referenced in the referenced SSC communication. The following sections of the double zero files for the classifications shown were reviewed by the writer, Special Agent Thomas E. Burns, Jr., to locate memoranda discussing legal authority for utilization of informants.

[134-00-7, 8, 9, 10, 11, and 12 (Security Informants)] (S)
137-00-1, 2, 3, 4, 5, and 6 (Criminal Informants)
170-00-1, 2, 3, 4, 5, and 6 (Extremist Informants)

The enclosed memoranda dated July 24, 1973, were culled from the 137-00 file. This matter was coordinated with Paul G. Donahue and Paul V. Daly of the Office of Legal Counsel.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mintz

DATE: 7/24/73

FROM : P. G. Donahue

SUBJECT: LEGAL AUTHORITY OF THE FBI TO USE CONFIDENTIAL INFORMANTS AS AN INVESTIGATIVE TECHNIQUE

#mDE16
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

The legal authority of the FBI to use confidential informants as an investigative technique rests upon three factors:

1) Legislative authority embodied in the approval of the annual appropriation.

2) Case law that the Fourth, Fifth and Sixth Amendments do not protect a wrongdoer from the use of informants.

3) Case law reflecting that courts recognize the necessity and utility of informants in providing probable cause for making arrests without a warrant, and for obtaining warrants, provided that certain conditions are met.

Regarding the first of the above-cited factors, reference is made to the "Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives, Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriations for 1974."

Part I, page 783 of those hearings, sets forth ~~the~~ justification language for the 1974 budget estimate for FBI salaries and expenses. It is noted that this language is the same as used in previous years except for underlined and bracketed changes which do not affect this subject. There is specific provision under the

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

PGD:llr

62-116395-514

CONTINUED - OVER

ENCLOSURE

heading of "Salaries and Expenses" for "expenses necessary for the detection and prosecution of crimes against the United States" and more specifically for the "payment of rewards."

At page 879 of these hearings, there is set forth as part of the testimony on "Investigative Accomplishments," a paragraph detailing the statistics achieved by the use of confidential informants. Since Congress has approved FBI appropriations without objection to the use of money for "payment of rewards" or for the informant achievements listed in the testimony, the approval of the appropriations serves as one form of legislative approval for the use of informants.

The use of informants does not violate the defendant's rights under the Fourth Amendment. Hoffa v. United States, 385 U.S. 293 (1966).

> "Neither this Court, nor any member of it has ever expressed the view that the Fourth Amendment protects a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it. Indeed, the Court unanimously rejected that very contention ---in Lopez v. United States, 373 U.S. 427---"
>
> Id. at 302

The Court also held that the use of an informer did not violate Hoffa's rights under the Fifth and Sixth Amendments, citing United States v. Dennis, 183 F.2d 201, 224, (1950), which said,

> "Courts have countenanced the use of informers from time immemorial; in cases of conspiracy, or in other cases when the crime consists of preparing for another crime it is usually necessary to rely upon them or upon accomplices because the criminals will almost certainly proceed covertly."

Besides the explicit recognition reflected above of the right of investigative bodies to avail themselves of informants, there are other Supreme Court cases which implicitly recognize this right by regulating the conditions under which an informant's identity need be revealed at trial. (Roviaro v. United States, 353 U.S. 53 (1957)), or the conditions to be met in using an informant's information as the basis of probable cause for an arrest without a warrant. (Draper v. United States, 358 U.S. 307 (1959); McCray v. Illinois, 386 U.S. 300 (1967)). Similarly, the Supreme Court has recognized that informant information may form the basis for a warrant application, provided the affidavit shows the underlying circumstances which would give reason to believe the informant is credible, and circumstances showing the basis for conclusions reached by the informant. (Aguilar v. Texas, 378 U.S. 108 (1964)).

The above-cited cases show that while courts have circumscribed in several ways the uses to be made of informant information, there has always been a recognition of the fact that the informant is a basic and necessary weapon in law enforcement's defense of society against crime.

RECOMMENDATION:

None; for information.

OFFICE OF THE DIRECTOR

PERSONAL ATTENTION
MEMORANDUM 23-75

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 27, 1975

#MORI6

DATE 10-10-00 SP2 ALM/TJE

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

(A) INFORMANT MATTERS - DEFENSE PLANS AND STRATEGY -- Recently there have been several instances where attorneys in connection with law suits have publicly and erroneously alleged that the FBI utilized informants to uncover defense plans and strategy. Also, recently a former informant falsely alleged that informant's services were utilized by the Bureau to infiltrate a defense camp. These accusations reemphasize the need for the careful and professional handling of informants at all times.

As you are aware under current policy, informants are advised to avoid becoming involved in defense plans or strategy in subversive-type cases or with anyone under criminal indictment. It is the responsibility of all Special Agents handling informants to insure that their informants are continually alert so that they will avoid becoming involved in defense matters and in the event an informant is requested to assist or partake in such matters, that the contacting Agent is immediately advised so that the matter will be recorded. If the informant cannot avoid being involved, informant is not to report any information pertaining to defense plans or strategy and such incident must be promptly reported to the Bureau under the substantive case caption.

In view of the above, the statement of cooperation normally signed by security and extremist informants is being amended to incorporate current policy regarding defense plans and strategy. Where it is not required as in criminal informant cases or it has not been practical to obtain a statement of cooperation, each handling Agent must orally advise the informant of the above, reduce it to writing, and record it in the informant's file. Insure that all pending informant files reflect the above as a matter of record.

Manual changes follow.

Clarence M. Kelley
Director

5-27-75
MEMORANDUM 23-75

62-116395-511

ENCLOSURE

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 7/16/75

Caption of Document: U.S. Senate Select Committee Re: Documents Pertaining to the Committee's Prior Request. Re: Further Documents Pertaining to the FBI and Department of Justice. Appendix A, Item 5.e., Appendix B Items 4.a., and 4.b.

Originating Office: FBI

Delivered by: Richard Taylor Date: 8/8/75

Received by: [signature]

Title: [signature]

Return this receipt to the Intelligence Division, FBI

#MDR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP2 ALM/ht16

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

7/16/75

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum and enclosures

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 5/14/75. Appendix A, 5e; Appendix B, 4a&b

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Intelligence collection
Operating procedures
COINTELPRO

#MDR16
10/10/00 SP-2 ALM/HS

8. SUMMARY (*see reverse side before completing this item*)

Furnishing SSC memorandum captioned "Legal Authority of the FBI to Use Confidential Informants as an Investigative Technique." Concerning "possible entrapment, provocation, interference with lawyer-client relationship or other problems" as it relates to informant operation, there are no Bureau memoranda or other materials. FBI policy and procedures concerning such matters are set forth in the Manual of Instructions and the Manual of Rules and Regulations.

62-116395

TREAT AS YELLOW

5-W06/8

FMK:fmk
(4) ORIGINAL VIA LIAISON TO THE CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

2 - Legal Counsel Division
(1-Mr. J.B. Hotis)
1 - Mr. W. R. Wannall

The Attorney General

June 11, 1975

1 - Mr. W. O. Cregar
1 - Mr. D. R. Dickson

Director, FBI

UNITED STATES SENATE SELECT
COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

This is in response to SSC letter, with attached appendices, dated May 14, 1975, requesting certain documents and other information from the FBI.

Attached for your approval and forwarding to the Committee is the original of a memorandum and enclosures which constitutes our response to one of the requests. A copy of the memorandum and enclosures is being provided for your records.

Several of the enclosures pertain to telephone conversations between former President Johnson and former FBI Director Hoover. In accordance with the request of Mr. K. William O'Connor, we are deferring to him any action necessary to obtain appropriate clearance from the White House to furnish these documents to the Committee.

Enclosures (16)

62-116395

REC-26 62-116395-513

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

ENCLOSURE

AUG 14 1975

DRD:mjg
(9)

NOTE:

It is noted that the original request from the Committee, specifically to furnish all memoranda pertaining to the "conduct" of the FBI investigation in the Dominican Republic in 1965 is rather ambiguous and nonspecific and efforts to clarify this request have not met with much success to date. It is believed the memorandum prepared is responsive to their request; however, if they desire additional information at some future date, same will be considered.

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

AUG 19 1975 MAIL ROOM TELETYPE UNIT

GPO 931-546

2 - Legal Counsel Division
(1-Mr. J.B. Hotis)
1 - Mr.W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. D. R. Dickson

62-116395

June 11, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

RE: DOCUMENTS PERTAINING TO THE "HUSTON PLAN", COINTELPRO, AND OTHER PRACTICES AND PROGRAMS

OTHER SPECIFIC FBI PRACTICES AND PROGRAMS

#MDR16 10-10-00 SP-2 ALM/JF/6

Reference is made to the letter from the captioned Committee dated May 14, 1975, and appendices thereto, which contained requests for certain documents and other information from the FBI.

Appendix C, Part III, Item #28 requested all memoranda and other materials pertaining to the origins and conduct of the FBI investigation in the Dominican Republic (DR) in 1965.

Pursuant to your request, attached hereto are the following communications:

1. Director Hoover memorandum dated May 17, 1965.

2. A. H. Belmont memorandum to Mr. Sullivan dated May 17, 1965, captioned, "Legal Attache's Office, Dominican Republic."

3. SAC letter no. 65-31 dated June 2, 1965.

4. Director Hoover memorandum dated August 24, 1965.

5. Director Hoover memorandum dated September 10, 1965.

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

DRD:mjgn
(9) DRD

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 934-546

United States Senate Select Committee
to Study Governmental Operations With
Respect to Intelligence Activities

Re: Documents Pertaining to the "Huston
Plan", Cointelpro, and Other Practices
and Programs

Other Specific FBI Practices and Programs

6. Mr. W. R. Wannall memorandum to Mr. W. C. Sullivan dated August 22, 1966, captioned, "Operations Legal Attache, Santo Domingo Office.

7. FBI letter to Department of State dated June 20, 1968.

It is noted two of these documents do not pertain to the year 1965 as indicated by your request; however, they have been included to show the reduction in our staff at our Legal Attache's Office in Santo Domingo in August, 1966, and June, 1968, as well as to show the change in our mission in the Dominican Republic effective August, 1966. For your additional information, the Legal Attache's Office in the Dominican Republic was closed in April, 1969.

Reference is also made to a conference held on May 30, 1975, between Messrs. John T. Elliff and Mark Gitenstein of the Senate Select Committee; Mr. K. William O'Connor of the Department of Justice; and Messrs. William O. Cregar and Elmer W. Larson of the FBI. The question was asked by Mr. Elliff whether there is a summary or "post-mortem" in the FBI files which could be made available to the Committee covering the FBI's activities in the Dominican Republic. It was indicated that if no such summary or "post-mortem" was in our files, to so advise the Committee. This is to advise that we have been unable to locate same in our files.

Enclosures (7)

1 - The Attorney General

SECRET

#MDE16 DECLASSIFIED BY SP-2 ALM/ [illegible] ON 11-15-00

2:44 PM May 17, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

President Lyndon B. Johnson called and asked if I would check one as they want him to be the Chief of the Army in the Dominican Republic, which would, in effect, control the city. The President stated he did not know his first name. I asked if he was in the Dominican Republic at the present time. The President stated he was; that they were getting pretty close to a settlement with and he thought we had checked him out, but anyway I had the whole list and he wants to be sure they are checked and that there are none who are known communists because that is one thing both the right and left wings would attack him one, so the only way to protect him, the President, is to be sure they are not communists. The President stated another thing is how are they going to get rid of the communists when we do get a government. I stated that is going to depend on the strength of the one in power.

I told the President that in connection with who is going down to Puerto Rico with on the 5:00 PM plane, we have an Agent who is going on the same plane, but as to whether we can get a microphone in, we do not know because is living in a house rather than a hotel. I stated one of our Agents is driving to the airport in his car so he will have an opportunity to talk to The President asked if knew he was an Agent and I stated he does as he had interviewed but the Agent on the plane will not be known to I stated when arrives in Puerto Rico, a surveillance will be put on him but if he stays with as we anticipate, it will be difficult to cover except the telephones. I stated there are five lines operating between Puerto Rico and the Dominican Republic and we have all five lines covered.

The President inquired as to whether they had asked me to assemble a staff to help on the anti-communist thing after the takeover and I stated the only names I have are of the Cabinet. The President stated that after they get the

Classified by [illegible]
Exempt from GDS, Category 2 & 3
Date of Declassification Indefinite
Holmes

SECRET

May 17, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

government in the alternatives are: Let them fight it out and kill thousands and probably the communists would end up in charge; we can go in there and try to get them to agree and go on the constitution and let them vote on it in 60 or 90 days, supervise the election and have a cabinet we mutually agreed upon which I can check upon; then once we get it, help the President with some intelligence people to point up who are communists. He said they ought to be Latins or ones who speak the language and he wanted me to take charge of that and to start right now saying if I were President, what I would do down there to get rid of the communists. The President stated it can't be done in one day, but that is what he wants for the Dominican Republic.

I told the President I had quite a number of Agents, a hundred or so, who are expert in the Spanish language so we have the facilities that we can do that. The President asked that I look at the best ones and see who it is; that it has to be a fellow who can get along with the new President whom he can trust, to figure out what I need, how I would set it up, and what I would do to get set up to go to work on the communists. I stated I thought it can be covered as we do in the South American countries as we have in some foreign countries a Legal Attache attached to the Embassy and if we have a man from the Bureau attached to the Embassy as Legal Attache, he can be the medium through which to advise the President and select the individuals who ought to be listed, deported, or put under control. The President asked I get the results of the check to him as soon as possible on

2:56 PM

While talking to the Attorney General on another matter, I advised him the President had just called and wanted a name checked, but also wanted me to pick a squad of FBI Agents to go to the Dominican Republic when the new government is formed to advise the President on the removal of communists and getting them out of government offices. I briefed the Attorney General on my conversation with the President. I told him I was not enthusiastic about it, but since he wants it done, I was starting to look into it and trying to line up fifteen or twenty men able to do it. I told the Attorney General I had wanted him to know in the event the President speaks to him about it.

SECRET

May 17, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

I also briefed the Attorney General in regard to and the coverage on that.

3:05 PM

The President called and stated the name of the individual he had asked me to check is a graduate of the Canal Zone School and his complete name was I stated we can check that quickly.

The President asked I be sure that I and Admiral Raborn, head of the Central Intelligence Agency, check out because he, the President, did not want to agree on a government and find a Khrushchev as the head of it. I stated I would check on the names he had given me Friday. I asked the President if Admiral Raborn had been furnished the list and he stated he was not sure but he wanted the two of us to check them out carefully.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SECRET

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. SULLIVAN DATE: 5/17/65

FROM : A. H. Belmont

SUBJECT: LEGAL ATTACHE'S OFFICE, DOMINICAN REPUBLIC

The Director advised that the President will want the FBI to set up a group in the Dominican Republic to advise the President of the Dominican Republic concerning Communists, how to deal with them, and how to get rid of them. It is contemplated that we will set up a Legal Attache's Office, with a group of 20 to 25 men, for the purpose of taking charge of cleaning out communists in the Dominican Government and advising the government of those who may try to infiltrate into the government. This activity would take place first in the city of Santo Domingo, and then extend throughout the country until all communists have been spotted and the Dominican Government has been advised.

All of the agents to be sent down should be fluent in Spanish and we should select any who have Dominican or Spanish blood, which will assist them in working inconspicuously with the populace.

Relative to the Legal Attache, he should be a top man, fully experienced, as he will be dealing with the President of the Dominican Republic and with our Ambassador there.

ACTION:

In anticipation of the above, the Director desires that we draw up suggestions for a Legal Attache and for a group of twenty to twenty-five men who can proceed, when so ordered, to the Dominican Republic for this purpose.

A copy of this memorandum is being designated for the Administrative Division so that the Domestic Intelligence Division and the Administrative Division can work together on this. Time is of the essence.

PERSONAL ATTENTION
LETTER NO. 65-31

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

June 2, 1965

WASHINGTON, D.C. 20535

(A) DOMINICAN SITUATION (NATIONALITY GROUP COVERAGE - LATIN AMERICA)-- For your information, Bureau has established a Legal Attache in Santo Domingo, Dominican Republic, who has already begun to make a valuable contribution to the over-all efforts of the United States in making certain that the Dominican Republic does not become another Cuba. If the United States succeeds in its efforts to keep communists out of the new Dominican coalition government which is in the process of being formed, current United States policy in the Dominican Republic could very well become the established course of action for all other countries in Latin America threatened with communism.

The responsibilities which have been placed upon the Bureau in developing intelligence data in the Dominican Republic, as well as in other Latin-American countries, are not only tremendous but may be the heaviest and most far-reaching burden the FBI has ever been asked to assume in the intelligence field. To guarantee our complete success, teamwork is a must.

Accordingly, first we must do everything possible to assist Legal Attache, Santo Domingo, in his immediate task of developing quality sources of sufficient quantity to effect maximum coverage in the Dominican Republic.

In this regard, each office and Legal Attache must furnish to the Bureau within five days of the receipt of this letter under the caption of "DOMSIT" (code word for "Dominican Situation") the following:

(1) Identities of any established sources (former or current) who are now in the Dominican Republic.

(2) Persons in Dominican Republic known to personnel of your office who appear to have good source potential.

(3) Identities of any current security sources (regardless of nationality) who may be available for assignment (temporary or permanent) in the Dominican Republic if such is considered feasible by Legal Attache, Santo Domingo.

Any leads for purpose of checking background of potential sources for Santo Domingo must receive priority attention and results submitted by teletype.

In addition to the Dominican requirements placed upon the Bureau, your attention is directed to over-all need for additional informants and sources in the Latin-American field. The reputation the Bureau has gained during recent Dominican crisis is due in large part to the results achieved in developing Dominican sources through a concentrated informant development program over the past several years.

In view of critical state of unrest in Latin America today, each office should survey its informant coverage in this field. If substantial numbers of nationals of any Latin-American country reside within the territory covered by your office, Bureau expects that you will have coverage sufficient to alert you to exile organizational activities of political nature, plots to overthrow existing governments, and general intelligence data concerning the countries of interest. Informant development in this field is considered most important and any weaknesses which now exist must be overcome promptly by instituting an aggressive informant development program.

Very truly yours,

John Edgar Hoover

Director

2:04 p.m.

August 24, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

I called Admiral William F. Raborn, Director of CIA, and told him I wanted to pass on to him a development he may be asked about. I stated, about ten days ago, the President asked my view of the removal of my men from the Dominican Republic and whether the work we have been doing down there could be carried on by CIA as effectively as both agencies have handled it in the past.

I stated I checked with [redacted] who is in charge of the FBI's office in the Dominican Republic, and he felt very strongly the FBI men could be withdrawn and the CIA personnel carry on. I advised Admiral Raborn that I sent this message to the White House and got word from Marvin Watson that the President indicated no move should be made at this time and that our men are still down there.

I advised Admiral Raborn that I expect to see the President this week and I am going to bring this up to see whether he will make a decision; that we could use those men back here; and that I think the situation is well in hand by CIA personnel. I said I thought the President might make some inquiry of Admiral Raborn.

Admiral Raborn said he certainly appreciated my calling and he is delighted with the fine way our folks have gotten along; that there is a lot of mutual respect. I stated that I instructed [redacted] to let me know what his views were and did not tell him mine; that he was very high in praise of the man in charge of the CIA office, as well as the staff of this office. Admiral Raborn stated they welcome cooperation with the FBI in any and every place.

Memorandum for Messrs. Tolson, Belmont, DeLoach, and Sullivan

August 24, 1965

I stated that I think we are going to have trouble down there but I think CIA can handle it with their force. He replied that they will be delighted to have us stay but they certainly appreciate the fact we may need our people elsewhere. I said we need them in this country where the riots are occurring; that this is not really our field; that it is CIA's field; and that the sooner we get back to our own field, the better.

I again stated it is very likely the President may speak to Admiral Raborn about this and he thanked me for calling.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

3:52 PM September 10, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

President Lyndon B. Johnson called. He stated he was worried about the situation in the Dominican Republic and asked me how I felt about it. I told him it was my feeling that it is in an awful mess; that there have been several people who have been selected to be in the Cabinet who are far from being free of communist association or domination and why they were selected, I did not know, but I thought the situation down there is very critical. I stated I met with McGeorge Bundy and Admiral William Raborn of the Central Intelligence Agency (CIA) the other day as to whether the FBI could withdraw from the Dominican Republic and my view was that we could as CIA is thoroughly qualified and has a good man down there to carry on the responsibilities and there is no need for the FBI to remain. I stated it was the view of Admiral Raborn and myself that it was going to be a mess and that we would have trouble for some time to come because various people are going back to the Dominican Republic now, such as and his followers, and the former Presidents who were deposed and I thought in the political campaign which is going to be held down there this year, there are going to be violent outbursts which are characteristic of the Latins. I stated the populace is very anti-American and now that has been sent out and made the rebel element, which is always strongly anti-American, will be in the ascendancy. I stated is not what one would call a strong man; that I think he means well and will try to do right but he is not the kind of a man who will stand up to his opposition.

The President stated he was not too happy with CIA and the reports he gets from them and he would hate to see the Bureau people pull out until a government is formed. I stated we wouldn't until he, the President, says so; that as I said the other day, we would not leave until the decision has been made by the President.

September 10, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

The President stated that while he thinks Admiral Raborn is a wonderful man, this is playing for keeps and we can't have a Communist Government and we have to have somebody alert enough to stand up and say "this is suspicious," et cetera. The President stated they tell him they have an Attorney General who is quite suspicious. I stated he is very dangerous to have in the Attorney General position. I stated in the discussion we had the other day in Mr. Bundy's office, one matter was how the investigative set-up would be under the new government and they were going to have a flying squadron of men working directly for the President of the Dominican Republic and then an intelligence unit which would gather information and a Dominican national police. I stated I expressed my opinion that I thought it was wrong for the President to have a flying squadron which would be nothing more or less than a secret police like Trujillo had who would make just reports the President would want against certain individuals who might not be as bad as the President felt they were. I stated I felt there should be an intelligence unit and that the national police should be increased. I stated we, of course, would assist in any training program they might want to set up either down there or up here. I stated at the present time in the national police is one man who was trained in our National Academy and was very valuable in furnishing us with information that we could not have gotten from other sources.

The President asked if we were having any trouble working together and I told him no trouble at all. The President stated he had asked me to be on the job to keep the communists from taking over this hemisphere and to serve him and he thought we ought to wait and not pull out of the Dominican Republic until the government has been selected and we get along further in this; for me to tell my man down there to root out everything he can and to be hard and tough as he can and be sure we get rid of every spy; that he did not know what the diplomatic people are doing to see that President Godoy takes our reports and respects them. I stated I understand the Attorney General was recommended by

I stated a large number of people are drifting back into the Dominican Republic from New York and Miami who have been exiled in the past and those who have been in political life in the past are going to run again.

September 10, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

The President stated we have to have an Ambassador who is a practical fellow and one who understandshis job. I stated he needed a good, tough individual who will be able to stand up and dominate the President. The President asked, "who is he?" and told me to think about that and also about what we are doing and not doing that should be done, as we can't lose and he would be talking with me next week. I told him I would.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GC KNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: August 22, 1966

FROM : Mr. W. R. Wannall

SUBJECT: OPERATIONS
LEGAL ATTACHE,
SANTO DOMINGO OFFICE

This is to recommend that the Central Intelligence Agency (CIA) be advised that we have set up a regular Legal Attache Office in Santo Domingo in view of the President's desire that the FBI remain in the Dominican Republic and that Legal Attache, Santo Domingo, be authorized to turn [redacted] informants over to the Agency.

In accordance with the desire of the President and recommendation of the Honorable Marvin Watson, Special Assistant to the President, that the FBI remain in the Dominican Republic, the Director, on 8/2/66, advised the White House that our staff in Santo Domingo would be reduced to three men and that henceforth this office will be manned in a manner similar to that of our other Legal Attache Offices. It will not be an operational office but rather will serve as a strategic listening post for intelligence data and as liaison with agencies of the Dominican Republic, as well as other agencies of foreign governments in that country.

In light of this redirection of effort, we instructed Legal Attache, Santo Domingo, to review his informant coverage to determine if any of our informants should be made available to the Agency for operation. Legal Attache has recommended that [redacted] informants, [redacted], be turned over to CIA. [redacted] has been used principally to develop subversive data on individuals in Santiago, Dominican Republic. [redacted] is a penetrative-type informant who has gained membership in Dominican subversive groups. Both of these sources are operational and are not the type we would contact in a normal liaison capacity. Continuation of their services under our current criteria would be a questionable procedure.

Memorandum W. R. Wannall to W. C. Sullivan
Re: OPERATIONS
LEGAL ATTACHE, SANTO DOMINGO OFFICE

In the case of this informant was originally developed by the New York Office. Legal Attache suggested the New York Office might have use of informant's services. This information furnished to New York Office which replied that in the absense of organized activity informant would be of no use unless he came to New York with instructions from Dominican communist groups to reorganize activity. This, of course, is not a desirable situation.

OBSERVATIONS:

We believe Legal Attache, Santo Domingo's recommendation to turn over to CIA is sound, even though both of these sources are in a position to furnish valuable intelligence information to us. By making these informants available to the Agency we will avoid any possible duplication or conflict. This matter should be discussed with appropriate officials by our Liaison Agent in order to insure the Agency is fully aware of our current status in the Dominican Republic.

ACTION:

If you approve:

(1) Liaison Agent will advise appropriate CIA officials as follows:

In accordance with the desire of the President that the FBI remain in the Dominican Republic, we are setting up a regular Legal Attache Office in Santo Domingo consisting of three men. This will not be an operational office but rather will serve as a strategic listening post for intelligence data and as liaison with agencies of the Dominican Republic, as well as other agencies of foreign governments in that country. In connection with this reorganization, we have instructed our representative in Santo Domingo to make [redacted] informants available to the Agency in the event it may wish to operate them.

(2) The attached teletype, with instructions to make [redacted] available to CIA, will be sent to the Legal Attache, Santo Domingo.

June 20, 1968

BY LIAISON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-00 BY SP-2ALM/JTG

Honorable Idar Rimestad
Deputy Under Secretary for Administration
Department of State
Washington, D. C.

Dear Mr. Rimestad:

You have previously been advised of reductions in FBI personnel overseas which were made in response to the wishes of the President. In a further effort to comply with the desire of the President, I have decided to reduce our staff in Santo Domingo by one Special Agent and one clerk. This will eliminate one position in GS-14 and one position in GS-8.

You may be sure that I will continue to give this matter close scrutiny with a view to effecting further economies whenever such action can be taken without impairing the discharge of our responsibilities.

Sincerely yours,

#MORI6
DECLASSIFIED BY SP-2 ALM/2TG
ON 11-15-00

SECRET

2:44 PM

May 17, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

President Lyndon B. Johnson called and asked if I would check one [redacted] as they want him to be the Chief of the Army in [redacted], which would, in effect, control the city. The President stated he did not know his first name. I asked if he was in the Dominican Republic at the present time. The President stated he was; that they were getting pretty close to a settlement with [redacted] and he thought we had checked him out, but anyway I had the whole list and he wants to be sure they are checked and that there are none who are known communists because that is one thing both the right and left wings would attack him on, so the only way to protect one, the President, is to be sure they are not communists. The President stated another thing is how are they going to get rid of the communists when we do get a government. I stated that is going to depend on the strength of the one in power.

I told the President that in connection with [redacted] who is going down to Puerto Rico with [redacted] on the 5:00 PM plane, we have an Agent who is going on the same plane, but as to whether we can get a microphone in, we do not know because [redacted] is living in a house rather than a hotel. I stated one of our Agents is driving [redacted] to the airport in his car so he will have an opportunity to talk to [redacted]. The President asked if [redacted] knew he was an Agent and I stated he does as he had interviewed [redacted] but the Agent on the plane will not be known to [redacted]. I stated when [redacted] arrives in Puerto Rico, a surveillance will be put on him but if he stays with [redacted] as we anticipate, it will be difficult to cover except the telephones. I stated there are five lines operating between Puerto Rico and the Dominican Republic and we have all five lines covered.

The President inquired as to whether they had asked me to assemble staff to help on the anti-communist thing after the takeover and I stated the only lines I have are of the Cabinet. The President stated that after they get the

Classified by [illegible]
Exempt from GDS, Category [illegible]
Date of Declassification Indefinite

1 - Miss Holmes

JEH:edm (8)

REC-18

109-12-211-3064

MAY 20 1965

18 MAY 21 1965

59 MAY 26 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

SECRET

government in the alternatives are: Let them fight it out and kill thousands and probably the communists would end up in charge; we can go in there and try to get them to agree and go on the constitution and let them vote on it in 60 or 90 days, supervise the election and have a cabinet we mutually agreed upon which I can check upon; then once we get it, help the President with some intelligence people to point up who are communists. He said they ought to be Latins or ones who speak the language and he wanted me to take charge of that and to start right now saying if I were President, what I would do down there to get rid of the communists. The President stated it can't be done in one day, but that is what he wants for the Dominican Republic.

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2:56 PM

While talking to the Attorney General on another matter, I advised him the President had just called and wanted a name checked, but also wanted me to pick a squad of FBI Agents to go to the Dominican Republic when the new government is formed to advise the President on the removal of communists and getting them out of government offices. I briefed the Attorney General on my conversation with the President. I told him I was not enthusiastic about it, but since he wants it done, I was starting to look into it and trying to line up fifteen or twenty men able to do it. I told the Attorney General I had wanted him to know in the event the President speaks to him about it.

I also briefed the Attorney General in regard to ~~Juan Balaguer~~ and the coverage on that.

3:05 PM

The President called and stated the name of the individual he had asked me to check is a graduate of the Canal Zone school and his complete name was ~~Juan Lora Fernandez.~~ I stated we can check that quickly.

The President asked I be sure that I and Admiral Raborn, head of the Central Intelligence Agency, check out because he, the President, did not want to agree on a government and find a Khrushchev as the head of it. I stated I would check on the names he had given me Friday. I asked the President if Admiral Raborn had been furnished the list and he stated he was not sure but he wanted the two of us to check them out carefully.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME
DATE
BY

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. SULLIVAN

DATE: 5/17/65

FROM : A. H. Belmont

cc Mr. Belmont
Mr. Mohr
Mr. Sullivan
Mr. Wannall
Mr. D.J.Brennan

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SUBJECT: LEGAL ATTACHE'S OFFICE, DOMINICAN REPUBLIC

The Director advised that the President will want the FBI to set up a group in the Dominican Republic to advise the President of the Dominican Republic concerning Communists, how to deal with them, and how to get rid of them. It is contemplated that we will set up a Legal Attache's Office, with a group of 20 to 25 men, for the purpose of taking charge of cleaning out communists in the Dominican Government and advising the government of those who may try to infiltrate into the government. This activity would take place first in the city of Santo Domingo, and then extend throughout the country until all communists have been spotted and the Dominican Government has been advised.

All of the agents to be sent down should be fluent in Spanish and we should select any who have Dominican or Spanish blood, which will assist them in working inconspicuously with the populace.

Relative to the Legal Attache, he should be a top man, fully experienced, as he will be dealing with the President of the Dominican Republic and with our Ambassador there.

ACTION:

In anticipation of the above, the Director desires that we draw up suggestions for a Legal Attache and for a group of twenty to twenty-five men who can proceed, when so ordered, to the Dominican Republic for this purpose.

A copy of this memorandum is being designated for the Administrative Division so that the Domestic Intelligence Division and the Administrative Division can work together on this. Time is of the essence.

AHB:CSH (6)

REC 20 64-4503-222

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-15-00 BY SP2 ALM/

4 JUN 4 1965

NAT. ... SEC.

58 JUN 9 1965

PERSONAL ATTENTION
LETTER NO. 65-31

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

June 2, 1965

WASHINGTON, D.C. 20535

(A) DOMINICAN SITUATION (NATIONALITY GROUP COVERAGE - LATIN AMERICA)-- For your information, Bureau has established a Legal Attache in Santo Domingo, Dominican Republic, who has already begun to make a valuable contribution to the over-all efforts of the United States in making certain that the Dominican Republic does not become another Cuba. If the United States succeeds in its efforts to keep communists out of the new Dominican coalition government which is in the process of being formed, current United States policy in the Dominican Republic could very well become the established course of action for all other countries in Latin America threatened with communism.

The responsibilities which have been placed upon the Bureau in developing intelligence data in the Dominican Republic, as well as in other Latin-American countries, are not only tremendous but may be the heaviest and most far-reaching burden the FBI has ever been asked to assume in the intelligence field. To guarantee our complete success, teamwork is a must.

Accordingly, first we must do everything possible to assist Legal Attache, Santo Domingo, in his immediate task of developing quality sources of sufficient quantity to effect maximum coverage in the Dominican Republic.

In this regard, each office and Legal Attache must furnish to the Bureau within five days of the receipt of this letter under the caption of "DOMSIT" (code word for "Dominican Situation") the following:

(1) Identities of any established sources (former or current) who are now in the Dominican Republic.

(2) Persons in Dominican Republic known to personnel of your office who appear to have good source potential.

(3) Identities of any current security sources (regardless of nationality) who may be available for assignment (temporary or permanent) in the Dominican Republic if such is considered feasible by Legal Attache, Santo Domingo.

62-116395-3343

ORIGINAL FILED IN

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/28/00 BY SP2 #MDR16

64-4503

NOT RECORDED
JUN 4 1965

299

58 JUN 15 1965

Any leads for purpose of checking background of potential sources for Santo Domingo must receive priority attention and results submitted by teletype.

In addition to the Dominican requirements placed upon the Bureau, your attention is directed to over-all need for additional informants and sources in the Latin-American field. The reputation the Bureau has gained during recent Dominican crisis is due in large part to the results achieved in developing Dominican sources through a concentrated informant development program over the past several years.

In view of critical state of unrest in Latin America today, each office should survey its informant coverage in this field. If substantial numbers of nationals of any Latin-American country reside within the territory covered by your office, Bureau expects that you will have coverage sufficient to alert you to exile organizational activities of political nature, plots to overthrow existing governments, and general intelligence data concerning the countries of interest. Informant development in this field is considered most important and any weaknesses which now exist must be overcome promptly by instituting an aggressive informant development program.

Very truly yours,

John Edgar Hoover

Director

2:04 p.m. August 24, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

#mDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-00 BY SP2 ALM/JMG

I called Admiral William F. Raborn, Director of CIA, and told him I wanted to pass on to him a development he may be asked about. I stated, about ten days ago, the President asked my view of the removal of my men from the Dominican Republic and whether the work we have been doing down there could be carried on by CIA as effectively as both agencies have handled it in the past.

I stated I checked with Anderson who is in charge of the FBI's office in the Dominican Republic, and he felt very strongly the FBI men could be withdrawn and the CIA personnel carry on. I advised Admiral Raborn that I sent this message to the White House and got word from Marvin Watson that the President indicated no move should be made at this time and that our men are still down there.

I advised Admiral Raborn that I expect to see the President this week and I am going to bring this up to see whether he will make a decision; that we could use those men back here; and that I think the situation is well in hand by CIA personnel. I said I thought the President might make some inquiry of Admiral Raborn.

Admiral Raborn said he certainly appreciated my calling and he is delighted with the fine way our folks have gotten along; that there is a lot of mutual respect. I stated that I instructed Anderson to let me know what his views were and did not tell him mine; that he was very high in praise of the man in charge of the CIA office, as well as the staff of this office. Admiral Raborn stated they welcome cooperation with the FBI in any and every place.

64-44502
NOT RECORDED
6 AUG 25 1965 170 AUG 26 1965

JEH:rm (8)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SENT FROM D. O.
TIME 6:45 PM
DATE 8/24/65
BY [illegible]

70 SEP 1 - 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

OFFICIAL FILED IN

100-11392-6997

Memorandum for Messrs. Tolson, Belmont, DeLoach, and Sullivan

August 24, 1965

I stated that I think we are going to have trouble down there but I think CIA can handle it with their force. He replied that they will be delighted to have us stay but they certainly appreciate the fact we may need our people elsewhere. I said we need them in this country where the riots are occurring; that this is not really our field; that it is CIA's field; and that the sooner we get back to our own field, the better.

I again stated it is very likely the President may speak to Admiral Rabora about this and he thanked me for calling.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/15/00 BY SP2 ALM/JG #MDE16

8:52 PM

September 10, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. SULLIVAN

Santo Domingo

President Lyndon B. Johnson called. He stated he was worried about the situation in the Dominican Republic and asked me how I felt about it. I told him it was my feeling that it is in an awful mess; that there have been several people who have been selected to be in the Cabinet who are far from being free of communist association or domination and why they were selected, I did not know, but I thought the situation down there is very critical. I stated I met with McGeorge Bundy and Admiral William Raborn of the Central Intelligence Agency (CIA) the other day as to whether the FBI could withdraw from the Dominican Republic and my view was that we could as CIA is thoroughly qualified and has a good man down there to carry on the responsibilities and there is no need for the FBI to remain. I stated it was the view of Admiral Raborn and myself that it was going to be a mess and that we would have trouble for some time to come because various people are going back to the Dominican Republic now, such as Juan Bosch and his followers, and the former Presidents who were deposed and I thought in the political campaign which is going to be held down there this year, there are going to be violent outbursts which are characteristic of the Latins. I stated the populace is very anti-American and now that General Wessin has been sent out and made Consul General at Miami, the rebel element, which is always strongly anti-American, will be in the ascendancy. I stated President Godoy is not what one would call a strong man; that I think he means well and will try to do right but he is not the kind of a man who will stand up to his opposition.

The President stated he was not too happy with CIA and the reports he gets from them and he would hate to see the Bureau people pull out until a government is formed. I stated we wouldn't until he, the President, says so; that as I said the other day, we would not leave until the decision has been made by the President.

100-112-211-7233

64-4503

NOT RECORDED
170 SEP 14 1965

6 SEP 14 1965

1 - Miss Holmes

JEH:edm (3)

EX-VAT. FILED IN

September 10, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

The President stated that while he thinks Admiral Raborn is a wonderful man, this is playing for keeps and we can't have a Communist Government and we have to have somebody alert enough to stand up and say "this is suspicious," et cetera. The President stated they tell him they have an Attorney General who is quite suspicious. I stated he is very dangerous to have in the Attorney General position. I stated in the discussion we had the other day in Mr. Bundy's office, one matter was how the investigative set-up would be under the new government and they were going to have a flying squadron of men working directly for the President of the Dominican Republic and then an intelligence unit which would gather information and a Dominican national police. I stated I expressed my opinion that I thought it was wrong for the President to have a flying squadron which would be nothing more or less than a secret police like Trujillo had who would make just reports the President would want against certain individuals who might not be as bad as the President felt they were. I stated I felt there should be an intelligence unit and that the national police should be increased. I stated we, of course, would assist in any training program they might want to set up either down there or up here. I stated at the present time in the national police is one man who was trained in our National Academy and was very valuable in furnishing us with information that we could not have gotten from other sources.

The President asked if we were having any trouble working together and I told him no trouble at all. The President stated he had asked me to be on the job to keep the communists from taking over this hemisphere and to serve him and he thought we ought to wait and not pull out of the Dominican Republic until the government has been selected and we get along further in this; for me to tell my man down there to root out everything he can and to be hard and tough as he can and be sure we get rid of every spy; that he did not know what the diplomatic people are doing to see that President Godoy takes our reports and respects them. I stated I understand the Attorney General was recommended by Bunker and Bennett.

I stated a large number of people are drifting back into the Dominican Republic from New York and Miami who have been exiled in the past and those who have been in political life in the past are going to run again.

September 10, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Sullivan

The President stated we have to have an Ambassador who is a practical fellow and one who understands his job. I stated he needed a good, tough individual who will be able to stand up and dominate the President. The President asked, "Who is he?" and told me to think about that and also about what we are doing and not doing that should be done, as we can't lose and he would be talking with me next week. I told him I would.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. C.
TIME 5:16 PM
DATE 9/10/65
BY

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. DeLoach
1 - Mr. Sullivan

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: August 22, 1966

FROM : Mr. W. R. Wannall

1 - Liaison (Mr. Papich)
1 - Foreign Liaison Unit (Mr. Potocki)
1 - Mr. Wannall
1 - Mr. Griffith

SUBJECT: OPERATIONS LEGAL ATTACHE, SANTO DOMINGO OFFICE

This is to recommend that the Central Intelligence Agency (CIA) be advised that we have set up a regular Legal Attache Office in Santo Domingo in view of the President's desire that the FBI remain in the Dominican Republic and that Legal Attache, Santo Domingo, be authorized to turn two informants over to the Agency.

In accordance with the desire of the President and recommendation of the Honorable Marvin Watson, Special Assistant to the President, that the FBI remain in the Dominican Republic, the Director, on 8/2/66, advised the White House that our staff in Santo Domingo would be reduced to three men and that henceforth this office will be manned in a manner similar to that of our other Legal Attache Offices. It will not be an operational office but rather will serve as a strategic listening post for intelligence data and as liaison with agencies of the Dominican Republic, as well as other agencies of foreign governments in that country.

In light of this redirection of effort, we instructed Legal Attache, Santo Domingo, to review his informant coverage to determine if any of our informants should be made available to the Agency for operation. Legal Attache has recommended that two informants, DOM-10 and DOM-12, be turned over to CIA. DOM-10 has been used principally to develop subversive data on individuals in Santiago, Dominican Republic. DOM-12 is a penetrative-type informant who has gained membership in Dominican subversive groups. Both of these sources are operational and are not the type we would contact in a normal liaison capacity. Continuation of their services under our current criteria would be a questionable procedure.

REC-71 64-4503-363

14 SEP 22 1966

Enclosure ~~sent~~ 8-25-66

1 - 64-4123-211 (Legal Attache Informants - Santo Domingo Office)
1 - 134-13781 (DOM-12)

FBG:pem/js
(9)

ST-100

(CONTINUED - OVER)

62 SEP 28 1966

Memorandum W. R. Wannall to W. C. Sullivan
Re: OPERATIONS
LEGAL ATTACHE, SANTO DOMINGO OFFICE

In the case of DOM-12, this informant was originally developed by the New York Office. Legal Attache suggested the New York Office might have use of informant's services. This information furnished to New York Office which replied that in the absense of organized activity informant would be of no use unless he came to New York with instructions from Dominican communist groups to reorganize activity. This, of course, is not a desirable situation.

OBSERVATIONS:

We believe Legal Attache, Santo Domingo's recommendation to turn DOM-10 and DOM-12 over to CIA is sound, even though both of these sources are in a position to furnish valuable intelligence information to us. By making these informants available to the Agency we will avoid any possible duplication or conflict. This matter should be discussed with appropriate officials by our Liaison Agent in order to insure the Agency is fully aware of our current status in the Dominican Republic.

ACTION:

CAL TENNEY, CIA & DESMOND FITZGERALD, CIA BRIEFED PER BELOW, 9/1/66 & 9/2/66

If you approve:

(1) Liaison Agent will advise appropriate CIA officials as follows:

In accordance with the desire of the President that the FBI remain in the Dominican Republic, we are setting up a regular Legal Attache Office in Santo Domingo consisting of three men. This will not be an operational office but rather will serve as a strategic listening post for intelligence data and as liaison with agencies of the Dominican Republic, as well as other agencies of foreign governments in that country. In connection with this reorganization, we have instructed our representative in Santo Domingo to make two informants available to the Agency in the event it may wish to operate them.

(2) The attached teletype, with instructions to make DOM-10 and DOM-12 available to CIA, will be sent to the Legal Attache, Santo Domingo.

June 20, 1968

BY LIAISON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-00 BY SP2ALM/

1 - Mr. Jackson
1 - Liaison
1 - Mr. Rachner
1 - Mr. Potocki

Honorable Idar Rimestad
Deputy Under Secretary for Administration
Department of State
Washington, D. C.

Dear Mr. Rimestad:

You have previously been advised of reductions in FBI personnel overseas which were made in response to the wishes of the President. In a further effort to comply with the desire of the President, I have decided to reduce our staff in Santo Domingo by one Special Agent and one clerk. This will eliminate one position in GS-14 and one position in GS-8.

You may be sure that I will continue to give this matter close scrutiny with a view to effecting further economies whenever such action can be taken without impairing the discharge of our responsibilities.

Sincerely yours,

64-4503-422

REP:bsc
(6)

REC 11

EX 106

4 JUN 26 1968

NOTE:

Above personnel cuts approved by Director in memorandum Wannall to Sullivan, 5/17/68, captioned "Operations - Santo Domingo," whereby Legat, Santo Domingo, was instructed to recommend by 6/22/68 personnel to be transferred. Transfers now under way.

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

57 JUL 2 1968

MAIL ROOM ☐ TELETYPE UNIT ☐

PERS. REC. UNIT

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6/11/75

Caption of Document: U.S. Senate Select Committee to Study Govt. Operations with Respect to Intelligence activities: Re: Documents pertaining to the "Huston Plan", Cointelpro, and other Practice and Programs; Other Specific FBI Practices and Programs

Originating Office: FBI

Delivered by: Richard Taylor Date: 8-8-75

Received by: [signature]

Title: [signature]

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG #MDR16

CLASSIFY AS APPROPRIATE

TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

6/11/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

X	SSC
	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memoranda and enclosures

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 5/14/75, Appendix C, Part III, Item 28

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

S

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

COINTELPRO
Intelligence collection, foreign

#mDR16 ALL INFORMATION CONTAINED ... DATE 10/10/00 BY SP-2 ALM/JTG

8. SUMMARY (see reverse side before completing this item)

Various communications pertaining to the origins and conduct of the FBI investigation in the Dominican Republic in 1965. Other documents also submitted to show reduction in staff in August, 1966 and to show the change in our mission in the Dominican Republic in August, 1966. Legal Attache's Office in the Dominican Republic was closed in April, 1969.

62-116395

FMK:fmk
(4) ORIGINAL VIA LIAISON TO THE CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

TREAT AS YELLOW

5-woc

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 04 1975

TELETYPE

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director Sec'y	

4:30 PM URGENT 8/04/75 ACM:EJG

TO DIRECTOR NR 323-04

FROM LEGAT LONDON (94-417)

ATTENTION: HELGESON, INTD

SENATE SELECT COMMITTEE

REBUTEL 7/29/75.

MR. HELGESON
4026 JEH

REBUTEL INDICATING MARK GITENSTEIN, SENIOR STAFF MEMBER, SENATE SELECT COMMITTEE, DESIRED TO VISIT WITH BRITISH OFFICIALS REGARDING DOMESTIC SECURITY INVESTIGATIONS. [THIS MATTER HAS BEEN TAKEN UP WITH BRITISH SECURITY SERVICE (MI-5) WHO HAVE ALSO HEARD FROM THEIR REPRESENTATIVE, JOHN PARKER.] (S)

[THIS REQUEST PLACES MI-5 IN A DIFFICULT POSITION BECAUSE OF THE SENSITIVITY OF SECURITY INVESTIGATIONS IN THE UNITED KINGDOM (UK), AND BEFORE ANY DECISION CAN BE MADE, MI-5 NEEDS ADDITIONAL INFORMATION] (S) WHICH SHOULD REACH LEGAT MORNING OF AUGUST 6, 1975. SPECIFIC INFORMATION REQUIRED AS FOLLOWS:

THE EXACT STATUS OF GITENSTEIN, I.E., IS HE CONSIDERED A U.S. GOVERNMENT OFFICIAL OR A TEMPORARY POLITICAL APPOINTEE BY THE COMMITTEE. ALSO, WHAT IS THE STATUS OF THE VISIT; IS THIS VISIT AN OFFICIAL REQUEST OF THE U.S. GOVERNMENT; HAS GITENSTEIN BEEN

10/10/00 #MDR16
CLASSIFIED BY SP-2 ALM 1816

REC-1 62-116395-518

EX-101

17 AUG 8 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Sec to Lankler 8/5/75 HEH

PAGE TWO

INSTRUCTED BY THE COMMITTEE TO VISIT THE UK OR IS HE ACTING ON HIS OWN. ALSO, WHAT EXACTLY IS GITENSTEIN WANTING TO KNOW, I.E., WHAT TYPE OF ACTIVITY IS INVESTIGATED IN THE UK, OR HOW IT IS INVESTIGATED.

ANSWERS TO THE ABOVE QUESTIONS WITH PRECISE DETAILS AS POSSIBLE WOULD BE GREATLY APPRECIATED BY MI-5. IN VIEW OF THE ANSWERS, MI-5 MAY DESIRE TO HAVE AN OFFICIAL OF THE BRITISH FOREIGN OFFICE SPEAK TO HIM RATHER THAN ONE OF THEIR OWN EMPLOYEES. NO CONTACT HAS YET BEEN MADE WITH THE POLICE AS IT WAS FELT PROPER TO DEFER TO MI-5 FIRST. (S)

END

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. McDermott

DATE: August 1, 1975

FROM : J. C. Farrington

#mDR16 10/25/00
CLASSIFIED BY SP2ALM/TG
DECLASSIFY ON: 25X 1,6

SUBJECT: REQUEST BY U. S. SENATOR WALTER F. MONDALE, SENATE SELECT COMMITTEE MEMBER TO REVIEW HIS FBI FILES

On July 21, 1975, the Attorney General determined there should be a disclosure of material in the files, with certain exceptions (for details see J. B. Adams to Callahan memorandum dated July 24, 1975, captioned "Request by various Senators on Senate Select Committee to Review their FBI files").

On July 29, 1975, Senator Mondale; his Legislative Assistant, David Aaron and William O'Connor, Deputy Assistant Attorney General, were with James B. Adams, Assistant to the Director, Deputy Associate Director in his office from 8:05 a.m. to 10:50 a.m. During this time Senator Mondale reviewed the following FBI material pertaining to himself.

1 - Mr. Adams

1 - Mr. McDermott

1 - Mr. Farrington

1 - Mr. Wannall
Attention: Mr. W. Cregar

Enclosures (7) ENCLOSURE

DRW:evp (7)

ENCLOSURE

94-60456-

ORIGINAL FILED IN

9 AUG 6 1975

62-116395-

NOT RECORDED
46 AUG 6 1975

SEE ADDENDUM, PAGES 4 & 5

84 AUG 15 1975

July 23, 1975

I, [signature]

___________, have received the following files from the Federal Bureau of Investigation today, 7/23/75,

on the following subject:

Senator Walter F. Mondale

✓ 94-60489
✓ 9-54750
✓ 9-52508
✓ 9-44386 (7 volumes)

✓ 1-11800-3, 5
✓ 61-3176-4490
✓ 62-89475-592
✓ 61-108230-1p2
✓ 105-10828-2192, 2032, 2013 (S)
✓ 67-99890-307
✓ 105-14537-135
✓ 105-25263-1420, 1309, 1246X
✓ 105-43813-388, 394, 435
✓ 105-84402-85
✓ 105-158624-5

✓ 100-... 80, 114, 133, 135, 140, 117, 143 (S)

Received from M. O'Connor, Department of Justice 7/24/75 SA Donald R. Williams

134-1676[illegible]-12

157-4-33-A

100-435179-42

100-366174-154 (S)

105-25263-1418 (S)

105-40461-319 (S)

62-110783-68

92-15336-1

94-1-28836-43

100-454565-376, 463

105-138938-7 (S)

105-141346-3 (S)

105-202547-18

157-6-43-24, 25

100-431357-92 (S)

105-20276-160 (S)

105-25263-1046, 1047, 1111, 1124, 1126, 1395, 1410, 1512, 1514 (S)

105-40461-463 (S)

105-43813-375, 377, 380, 384, 386, 391, (S)

105-74565-275

105-138941-42, 50

105-198867-84

105-213145-59 (S)

J. C. Farrington to Mr. McDermott Memo
REQUEST BY U.S. SENATOR WALTER F.
MONDALE, SENATE SELECT COMMITTEE MEMBER
TO REVIEW HIS FBI FILES

In above file references, we had seven documents containing masked out portions. As these masks will be removed prior to replacing in our files, a Xerox of the pertinent portion of the respective documents have been made for record purposes and attached to this memorandum.

Concerning (105-188989-8) (S) Department of State letter to FBI dated April 10, 1969, Senator Mondale advised he had received a copy of this letter from the State Department.

Concerning 62-110783-68 report of SAA Dale E. Berglund dated March 10, 1966, at Minneapolis captioned "MILES WELTON LORD; United States Attorney District of Minnesota, Administrative Inquiry - Bribery," Mr. Adams mentioned to Senator Mondale there were privacy considerations concerning this report and Senator Mondale limited his review of this document to information pertaining to himself set forth on pages 35b and 36.

ACTION: For Information.

ADDENDUM: J. B. ADAMS:ams 7/31/75

Subsequent to the meeting, David Aaron advised that the Senator requested to be advised as to why certain serials [of sensitive coverage (technical coverage on foreign embassies)] seemed to end in 1970 and I advised him that in recent years our indexing procedures in such matters have not called for indexing the name of a Congressman or (S)

it has not been indexed for retrievability.

CONTINUED - OVER

Memorandum for Mr. McDermott
Re: REQUEST BY U. S. SENATOR WALTER F. MONDALE, SENATE SELECT COMMITTEE MEMBER, TO REVIEW HIS FBI FILES

The Senator raised a question concerning a folder on the Consumers Advisory Council, of which he was a member (62-108230-1) and inquired how we came into possession of this particular report. I determined that this report had been sent to Mr. Hoover in September, 1962, by Richard Berlin, President of the Hearst Corporation, as he felt Mr. Hoover would be interested in reading the report. I advised Mr. Aaron that the report had been sent to Mr. Hoover by a friend of his in the newspaper field.

FD-36 (Rev. 5-22-64)

FBI

SECRET Date: 3/6/68

Transmit the following in ______________________________ (Type in plaintext or code)

Via AIRTEL ______________________________ (Priority)

TO: DIRECTOR, FBI (105-40461) (S)

FROM: SAC, WFO (105-13225) (C) (S)

ZYGMUNT BRONIAREK
IS-PO
(OO:WFO) (S)

10/25/00 #MD016
CLASSIFIED BY SP-2ALM/JTG
DECLASSIFY ON: 25X1,6

Enclosed for Bureau are five copies of LHM dated and captioned as above.

[redacted] who voluntarily furnished the information to SA ELBERT L. LEE, WFO. She advised the Senator told her the information which appears in the LHM. She also stated BRONIAREK may have been introduced to the Senator when he visited her office on one occasion but BRONIAREK hardly knew the Senator. (By request) (S)

Second informant is WF 456-S*.
Third informant is CG 6417-S. (S)

LHM has been classified "Secret-No Foreign Dissemination" in order to protect WF 456-S*, (S) a sensitive source of continuing value. In addition it is so classified to comply with the "Secret" classification accorded CG 6417-S. (S)

The informant Memo has been classified "~~Confidential~~" since it reveals Bureau's interest in a representative of an official foreign agency. (S)

3 - Bureau (Enc. 5) ENCLOSURE
2 - WFO
(1-105-22'75) (SAM WRIGHT) (S)

ACK. / REC / DATE / HOW / BY

19 MAR 14 1968

Approved: ______________ Sent ______________ M Per ______________
Special Agent in Charge

FD-36 (Rev. 5-22-64)

Mr. Sullivan
Mr. Mohr
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

F B I

Date: 10/13/70

Transmit the following in ________________________________
(Type in plaintext or code)

10/25/00
CLASSIFIED BY SP2ALM
DECLASSIFY ON: 25X

Via AIRTEL ________________________________ (Priority)

TO: DIRECTOR, FBI (105-10828) (S)

FROM: SAC, WFO (105-524) (P) (S)

EMBASSY OF ISRAEL
WASHINGTON, D. C.
IS - ISRAEL
(OO:WFO) (S)

CONFIDENTIAL

Enclosed for the Bureau are eight copies of an LHM, dated and captioned as above. Informant mentioned in LHM is WF 568-S*; LHM has been classified "Secret - No Foreign Dissemination" and has been marked [redacted] (S)

10/15/70
1cc LHM to CIA / Angleton / By Courier
State - By Courier

REC-77

REC-72

[105-10828 -] (S)

8 ENCLOSURE

OCT 20 1970

2 - Bureau (Enc. 8)
1 - WFO

CAM:nsr
(3)

ORIGINAL
105-10828
2197
MARKED

NAT. INT. SEC.

Approved: ____________________ Sent ______________ M Per ______________
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

ORIGINAL MARKED 105-10828-2032

FBI

Date: 6/9/70

Transmit the following in _______________ (Type in plaintext or code)

10/25/00 #mDR16
CLASSIFIED BY SP2ALM/ATG
DECLASSIFY ON: 25X 1,6

Via AIRTEL _______________ (Priority)

TO: DIRECTOR, FBI [105-10828] (S)

REC 25

FROM: SAC, WFO [(105-524)] (P) (S)

EMBASSY OF ISRAEL
WASHINGTON, D. C.
IS - ISRAEL
(OO:WFO)
(S)

CONFIDENTIAL

(S) Enclosed for the Bureau are eight copies of an LHM, dated and captioned as above. Informant mentioned in LHM is [WF 568-S*;] LHM has been classified "Secret - No Foreign Dissemination" and has been marked

Concerning SAUL KOHLER (ph), mentioned in LHM, informant learned that he gave his telephone number as 225-3135. A call to this number elicited the reply, "Office of the Republican leader" which may indicate that KOHLER is in the office of Senator HUGH SCOTT, Pennsylvania. (S)

(2) - Bureau (Enc. 8)
1 - WFO

CAM:nsr
(3)

REC 25 [105-10828-] (S)

JUN 11 1970

Approved: _______________ Sent _______________ M Per _______________
Special Agent in Charge

U.S. GOVERNMENT PRINTING OFFICE

FBI

Date: 5/27/70

Transmit the following in ______________________
(Type in plaintext or code)

#mDE16 10/25/00
CLASSIFIED BY SP-2 ALM/TJG
DECLASSIFY ON: 25X 1, 6

Via AIRTEL ~~CONFIDENTIAL~~
(Priority)

TO: DIRECTOR, FBI [(105-10828)] (S)

REC 112

FROM: SAC, WFO [(105-524)] (P) (S)

EMBASSY OF ISRAEL
WASHINGTON, D. C.
IS - ISRAEL (S)
(OO:WFO)

(S) Enclosed for the Bureau are eight copies of an LHM, dated and captioned as above. Informant mentioned in LHM is [WF 568-S*;] LHM has been classified "Secret-No Foreign Dissemination" and has been marked " [redacted]

A call to telephone 225-4551 received the reply, "Senate press" which could possibly indicate that the KRAFT mentioned in LHM is in fact JOSEPH KRAFT, the columnist. (S)

Informant has previously furnished information indicating that AMNON SPIEWAK is employed in the Economic Office, Embassy of Israel. (S)

(2) - Bureau (Enc. 8) ENCLOSURE
1 - WFO

CAM:vm
(3)

REC-112 [105-10828-2012] (S)

17 MAY 28 1970

~~CONFIDENTIAL~~

NAT. DEF. SEC.

Approved: ______________ Sent ______________ M Per ______________
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-090 (11)

GSA GEN. REG. NO. 27

UNITED STATES GO[illegible]RNMENT

Memorandum

TO : DIRECTOR, FBI

10/25/00 CLASSIFIED BY SP-2 ALM
DECLASSIFY ON: [illegible] 1,6

DATE: 7/22/65

FROM : SAC, WFO [(105-65677)] (S) (RUC)

01-MP-93

SUBJECT: VALERIA (NMN) BATOREWICZ
[IS - R (VISITOR TO THE USSR)] (S)
(CO: MP)

ReWFOlet dated 7/22/65, in captioned matter.

Dept , advised SA DONALD A. BRUMMITT of the following developments in connection with subject's status since EMOND was interviewed on 7/19/65. (S-1) (S) (U)

Prior to departing for the USSR, BATOREWICZ was advanced $1,000 for travel and living expenses. Upon her return she was asked to repay this money. She was unable to do so since she had spent the money during her travel in Europe. Upon being advised that the funds must be repaid, she became quite upset and pointed out that she has been put to considerable inconvenience. (S-1) (S) (U)

On 7/21/65, Mr. EMOND learned that BATOREWICZ had contacted Congressman JOSEPH KARTH and Senator WALTER MONDALE, both of Minnesota and related the full facts of her employment with USIA and subsequent abrupt recall from the Soviet Union along with comments on her being expected to repay the $1,000 advance in funds. (S-1) (S) (U)

As related by Mr. EMOND, Congressman KARTH and Senator MONDALE have both contacted USIA and requested all details. He said it looks as if there will be a "considerable stink" about the matter. (S-1) (S) (U) (USIA & State problem)

Mr. EMOND said there has been no mention made of any FBI interest in BATOREWICZ. (S-1) (S) (U)

Above furnished for information of Bureau and Minneapolis.

2-Bureau
2-Minneapolis (RM)
1-WFO

DAB:MJB

REC 55

EX-107

JUL 23 1965

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

USIA INFO. IS UNCLASS. PER LTR DTD 8/7/89 SP1AG/JAC 2/28/90 (2893967)

FD-36 (Rev. 5-22-64)

FBI

Date: 3/6/68

Transmit the following in ____________________
(Type in plaintext or code)

Via AIRTEL
(Priority)

#m DR16 10/25/00
CLASSIFIED BY SP2ALM/RHC
DECLASSIFY ON: 25X 1,6

TO: DIRECTOR, FBI (105-40461) (S)

FROM: SAC, WFO (105-13225) (C)

ZYGMUNT BRONIAREK
IS-PO
(OO:WFO) (S)

SECRET

Enclosed for Bureau are five copies of LHM dated and captioned as above. [redacted] who voluntarily furnished the information to SA DELBERT E. LEE, WFO. She advised the Senator told her the information which appears in the LHM. She also stated BRONIAREK may have been introduced to the Senator when he visited her office on one occasion but BRONIAREK hardly knew the Senator. (S) (By request)

Second informant is WF 456-S*.
Third informant is CG 6417-S. (S)

LHM has been classified "Secret-No Foreign Dissemination" in order to protect WF 456-S* (S) a sensitive source of continuing value. In addition it is so classified to comply with the "Secret" classification accorded CG 6417-S. (S)

The informant Memo has been classified "Confidential" since it reveals Bureau's interest in a representative of an official foreign agency. (S)

3 - Bureau (Enc. 5)
2 - WFO
(1-105-28475) (S)

EX 100

REC 18

AGENCY: State, CIA, RAO
REQ. REC'D:
DATE FORW.: 3-8-68
HOW FORW.:
BY:

Approved: ____________________ Sent ________ M Per ________

NW 88326 DocId:32989627 Page 239

FBI

Date: 2/13/70

Transmit the following in ______________________
(Type in plaintext or code)

Via AIRTEL #MDR16 10/25/00
CLASSIFIED BY SP-2ALM/ZTS
DECLASSIFY ON: 25X 1,6
(Priority)

TO: DIRECTOR, FBI (105-74565)

FROM: SAC, WFO (105-28204)(P*)

BORIS N. DAVYDOV (S)
IS - R (SOVEMB)
(OO:WFO)

w/o encl. 6/15/75 by ...

REC 14

ST
GR

Enclosed for the Bureau are 5 copies of an LHM, captioned and dated as above, and classified "Confidential" as it reveals the Bureau's investigative interest in an official of a foreign diplomatic establishment. (S)

The individual who furnished information contained in enclosed LHM is ANDREW GYORGY, who was interviewed by SA ALBERT F. WATTERS, JR. on 2/11/70. (S)

However, he is characterized therein as "an individual who volunteered information to the FBI but requested that his identity be concealed" in order to avoid the impression that he is operating under the guidance and direction of the FBI.

REC 14 105-74565-2.. (S)

As set forth in enclosed LHM, GYORGY furnished information indicating DAVYDOV was aware of specific questions asked Ambassador BEAM in a closed-door briefing (S)

SECRET

2 - Bureau (Enc. 5)
2 - WFO
(S)(1 - 105-89252)(GYORGY)
AFW:kyu
(4)

CLASSIFIED BY 2721
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AGENCY

Approved: ______ Special Agent in Charge

Sent ______ M Per ______

SECRET

CODE TELETYPE URGENT

REC-1 62-116395-512 8/5/75

TO LEGAT LONDON EX-101

FROM DIRECTOR FBI

SENATE SELECT COMMITTEE

1-Legal Counsel Office
(Attn: Mr. Daly)
1-Foreign Liaison Section
1-Mr. W. O. Cregar
1-Mr. H. E. Helgeson

REURTEL AUGUST FOUR LAST.

GITENSTEIN IS NOT A U.S. GOVERNMENT OFFICIAL. HE IS A FULL TIME STAFF MEMBER EMPLOYED BY SENATE SELECT COMMITTEE. HE HAS BEEN INSTRUCTED BY THIS COMMITTEE TO CONTACT APPROPRIATE OFFICIALS IN UK TO SEEK DESIRED INFORMATION. HE WILL HAVE WITH HIM LETTER OF INTRODUCTION FROM CHAIRMAN OF SENATE SELECT COMMITTEE. HE IS ONLY INTERESTED IN WHAT BRITISH DO IN "VERY GENERAL" FASHION AS TO THEIR HANDLING OF SUBVERSIVE ACTIVITIES INVESTIGATIONS FOR THE PURPOSE OF COMPARING WITH FBI INVESTIGATIONS OF SIMILAR MATTERS. GITENSTEIN DESCRIBED IT AS AN "ACADEMIC INQUIRY" AND IS NOT SEEKING SPECIFIC FACTS ON ANY INVESTIGATIONS.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

#MDR-16 SP2 ALM 6

FOR INFO LEGAT, GITENSTEIN IS CLEARED FOR ACCESS TO

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

HEH:enm
(6)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
AUG 05 1975
TELETYPE

NOTE: By teletype 7/28/75 Legat, London, was advised Mark Gitenstein, Senior Staff Member, Senate Select Committee, desired to contact appropriate British officials for general briefing concerning their handling of domestic security investigations. Legat in referenced teletype posed certain questions raised by [MI-5] concerning Gitenstein and the purpose of his visit. (S)

9 AUG 14 1975

MAIL ROOM ☐ TELETYPE UNIT ☑

TELETYPE TO LONDON
RE: SENATE SELECT COMMITTEE

TOP SECRET INFORMATION.

IF AT ALL POSSIBLE YOU SHOULD SUTEL BEFORE TWELVE NOON AUGUST SIX ANY ARRANGEMENTS YOU HAVE BEEN ABLE TO FINALIZE. IN ABSENCE OF COMMUNICATION FROM YOU GITENSTEIN WILL BE ADVISED TO CONTACT YOU UPON HIS ARRIVAL IN LONDON.

The Attorney General July 30, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

This is in response to SSC letter dated July 24, 1975, requesting a list of all Special Agents assigned to the New York City area in the mid-1960's who had the surname Kehoe and requesting the unit to which they were assigned as well as their current addresses.

Attached for your approval and forwarding to the Committee is the original of a memorandum which constitutes our response to this request. A copy of the memorandum is being provided for your records.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: Mr. K. William O'Connor
Special Counsel for
Intelligence Coordination

REC-1 62-116395-511

EX-101

AUG 13 1975

DCT:pms
(10)
2 - Mr. Mintz (Sent Direct)
(1 - Mr. Hotis)
1 - Mr. Wannall (Sent Direct)
1 - Mr. Walsh (Sent Direct)
1 - Mr. Midkiff (Sent Direct)

#MDR16

16-10-00 SP-2 ALM/tb

Based on memo Burns to Walsh dated 7-29-75; DCT:pms

NOTE: The response has been coordinated with Intelligence Division and if approved will be hand carried by Mr. P. V. Daly to Mr. Michael Shaheen, Jr., of the Deputy Attorney General's Office.

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

ENCLOSURE

79 AUG 14 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

62-116395

July 30, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST FOR IDENTITIES AND
ADDRESSES OF SPECIAL AGENTS
WITH SURNAME "KEHOE" ASSIGNED
NEW YORK CITY AREA MID-1960's

Reference is made to the letter from captioned committee dated July 24, 1975, which requested a list of all Special Agents assigned to the New York City area in the mid-1960's who had the surname Kehoe and requested the unit to which they were assigned as well as their current address.

Pursuant to your request, set forth below are the names and business addresses of the two Special Agents of the FBI with surname Kehoe who were employed in the New York City area in the mid-1960's. Both were assigned to the investigation of Soviet espionage matters and both are currently Special Agents of the FBI.

Francis Joseph Kehoe
Federal Bureau of Investigation
Gateway I, Market Street
Newark, New Jersey 07101

James Patrick Kehoe
Federal Bureau of Investigation
201 East 69th Street
New York, New York 10021

#MDR16 SP-2ALM/jfs 10/10/00

DCT:pms (9)

ORIGINAL AND ONE COPY TO AG

2 - Mr. Mintz
(1 - Mr. Hotis)
1 - Mr. Wannall
1 - Mr. Walsh
1 - Mr. Midkiff

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

MAIL ROOM ☑ TELETYPE UNIT ☐

ENCLOSURE

62-116395-511

GPO 954-546

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 7/30/75

Caption of Document: U.S. Senate Select Committee: Re Request for Identities and Address of SAs with surname "Kehoe" assigned NYC area mid-1960s

Originating Office: FBI 150

Delivered by: Richard T. Taylor Date: 8/7/75

Received by: [signature]

Title: [illegible]

Return this receipt to the Intelligence Division, FBI

#MDR 16
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP2 ALM/JTG

CLASSIFY AS APPROPRIATE

...E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

7/30/75

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 7/24/75

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Intelligence collection - domestic

#MDR16

10/10/00 SP2AEM/ITG

8. SUMMARY (*see reverse side before completing this item*)

Setting forth names and business address of two Special Agents of the FBI with surname "Kehoe" who were employed in the New York City area in the mid-1960's

62-116395

FMK:fmk
(4)

ORIGINAL VIA LIAISON TO THE CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

TREAT AS YELLOW

5-Woc/18

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 29 1975

TELETYPE

10/10/00 #MDR16
CLASSIFIED BY SP2 ALM/JTG
DECLASSIFY ON: [illegible]

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

NR 006 PH PLAIN

633 PM 7-29-75 NITEL MCA

TO: BUREAU

FROM: PHILADELPHIA (62-0-23222)

SENSTUDY -75

SA JOHN MAICHER, OPERATIONS OFFICER, DEFENSE INVESTIGATIVE SERVICE, TELEPHONE 755-4012, TELEPHONICALLY ADVISED THAT ROBERT THWEAT, U.S. NAVY COMMANDER (RETIRED) NOW MANAGER, AT FIDELITY BANK, WYNNEWOOD, PA., TELEPHONE MI-2-2990, HOME NUMBER LO-7-1739, RECEIVED INFORMATION FROM RELIABLE SOURCE THAT A DOCUMENT WAS STOLEN FROM SENATOR CHURCH'S COMMITTEE. [THIS DOCUMENT ALLEGEDLY CONTAINS INFORMATION OF A DEROGATORY NATURE CONCERNING SENATOR HENRY JACKSON] (S1) (S) SOURCE STATED THIS DOCUMENT COPIED AND PASSED TO THOSE OPPOSING JACKSON.

NO ACTION IS BEING TAKEN ON THE ABOVE, UACB.

12-19-88
~~Classified by SP1 AG/GM~~
~~Declassify on: OADR~~

END

62-116395-

NOT RECORDED
JUG 14 1975

5 - TJH

7/30/75 Will Ramsey, PH Supv, telephonically advised to obtain additional details & availability of Thweat's source. TJM

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

ORIGINAL FILED IN 65-75 [illegible]

~~SECRET~~

84 AUG 18 1975

~~SECRET~~

FOI/PA # 293 030
APPEAL #
CIVIL ACT. #
E.O. # 12356
DATE 12-19-88 INITIALS G.M

(81) (S) [CIA] (S)

~~SECRET~~

2 - Mr. J. A. Mintz
(J. B. Hotis)

The Attorney General

July 25, 1975

Director, FBI

1 - Mr. W. V. Cleveland
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

UNITED STATES SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

#MDR16

10/10/00 SP2ALM/116

Reference is made to your memorandum July 16, 1975, captioned as above, requesting information relating to the collection, analysis, use, and dissemination of organized crime intelligence and a second request related to what extent have communications between the White House and the FBI or other agencies under the jurisdiction of the Attorney General bypassed the Attorney General and to what extent should such communications be channeled through the Attorney General.

In response to the first matter, on June 25, 1974, I testified before the FBI Oversight Subcommittee of the Senate Judiciary Committee that the Bureau has "no statutory authority to collect intelligence per se" but that it operates under the general umbrella of 28 U.S.C. 533 (3), which authorizes the Attorney General to appoint officials "to conduct...investigations regarding official matters...as may be directed by the Attorney General." A listing of any directives issued by the Department or the Attorney General with respect to organized crime should be available in the office of the Assistant Attorney General, Criminal Division, Department of Justice.

EX-101 REC-1 62-116395-510

With respect to the FBI, all our investigations in the organized crime field are aimed at one ultimate objective: prosecution.

AUG 13 1975

During the course of our investigation of individual hoodlums and the various criminal syndicates operating throughout the United States, we naturally acquire considerable data regarding the structure of the organized underworld, the identities of its principal leaders, the extent of its influence, its primary sources of income, its payoffs to corrupt officials, and the operations of its vast communications networks.

RLM:mam
(10)

~~ORIGINAL AND ONE COPY TO ATTORNEY GENERAL~~

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

79 AUG 14 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

The Attorney General

Most of this information is obtained from paid informants, from other law enforcement officers, from alert citizens, and from court-approved electronic surveillances installed under the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

None of it, however, is intelligence for intelligence's sake. The experience of the FBI over the years has shown that criminal syndicates exist for the sole purpose of conducting illegal operations and that anyone belonging to them may reasonably be presumed to be engaged in one or more of these activities. Therefore, our investigations of the organized underworld are not aimed at developing general nonspecific data but at establishing which criminal violations its members are engaged in and then proving these violations in a court of law.

Obviously, not every case opened, every lead followed, or every bit of information received is going to wind up in Federal court. On the contrary, much of this material relates to offenses outside the investigative jurisdiction of the FBI. When such is the case, we immediately disseminate the information to the appropriate Federal, state, or local agency. As a result, information uncovered by the FBI during the past five years alone has enabled the recipient agencies to make more than 17,000 organized crime arrests; confiscate over $151,000,000 worth of illicit drugs and narcotics, $9,000,000 worth of cash, property, weapons, and wagering paraphernalia, and $6,000,000 worth of counterfeit bills; and assess tax liens against $19,000,000 worth of property arising out of Federal gambling cases.

In addition, a considerable portion of the organized crime intelligence information developed by the FBI is forwarded to the various Federal Strike Forces coordinating racket investigations throughout the country and to the Criminal Division of the Department, which has entered this information in its computerized data bank called "Racketeer Profile."

The Attorney General

In response to the second request in your letter, my answer is restricted to communications between the White House and the FBI as it would not be appropriate for me to attempt to respond for other agencies under your jurisdiction.

There are two major areas in which the Attorney General does not see communications between the White House and the FBI. They are the results of name checks and the results of full field investigations we do for the White House. The White House requests approximately 13,000 name checks per year concerning persons who visit the White House complex who could pose a physical threat or possible embarrassment to the President directly or indirectly. Approximately 1,000 full field background investigations on Presidential appointees, members of the White House staff, and other persons having regular access to the White House are requested annually.

I direct your attention to Section 0.15 (b) (7), Title 28, Code of Federal Regulations, which states that the Deputy Attorney General shall "Coordinate Departmental liaison with the White House staff and the Executive Office of the President." When this order was promulgated there were discussions between the Department and Bureau officials as to its implementation and its impact on existing direct liaison between the FBI and the White House. My letter to the Attorney General, May 2, 1974, captioned "Revision of the Department of Justice Organization Regulations (28 CFR Part 0)," set forth the FBI's need for a Special Agent-Liaison officer to handle day to day operational liaison with the White House. His activities were outlined and it was requested that he continue to handle operational problems on a daily basis with specific individuals because of the sensitivity of the matters involved, both of a personal security and intelligence nature.

By memorandum dated May 16, 1974, captioned "Direct Operational Liaison with the White House," the Attorney General authorized the continuance of FBI direct operational liaison with the White House.

The Attorney General

With the exceptions as noted above, the FBI has adhered to a policy that when information is given to the White House the Attorney General is given the same information contemporaneously. Most of this information relates to current matters pertaining to the national security. This dissemination to the White House is sometimes based on requests from the White House but more frequently on the initiative of the FBI.

With regard to any correspondence directed to this Bureau from the White House, short of a file by file review, there is no means of determining whether or not such communications bypassed the Attorney General.

The established rule of furnishing the Attorney General copies of correspondence to the White House should be followed strictly so that the Attorney General is kept fully informed on matters of interest to him.

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

REC-1

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. J. Cochran

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 7/25/75

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

FROM : W. R. Wannall

SUBJECT: SENSTUDY '75

#MDR16
10/10/00 SP2 ALM/JTG

By memorandum dated 4/23/75, you were advised that former Intelligence Division Supervisor Lish Whitson reported to the writer that he had been interviewed by Mike Epstein of the Senate Select Committee Staff regarding the Martin Luther King case. Whitson had participated in activity at the direction of former Assistant to the Director, William C. Sullivan, relating to the mailing of a package from Florida to King's office. The package had been delivered to Whitson at National Airport on a Saturday by someone unknown to Whitson.

At 5:30 p.m., today, Whitson telephoned the writer to state that he had been contacted by phone just a few minutes before by Mike Epstein. He said that the latter asked him, Whitson, if the person who had met him at National Airport and turned the package over to him was either "Doc" Miller (Fred M. Miller) or John Matter. Whitson said he told Epstein that it was neither of these two former FBI Laboratory employees.

COPY RETAINED BY ... RECORDS UNIT

ACTION:

EX-101 REC-1 62-116395-509

To record information furnished voluntarily by former Supervisor Whitson.

AUG 13 1975

(Personnel file Lish Whitson)

WRW:dsh
(6)

cc. 67-

APR 24 1975

79 AUG 14 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Wannall
1 - Mr. Walsh
1 - Mr. Mintz

TO : Mr. J. B. Adams

DATE: 7-21-75

1 - Mr. Hotis
1 - Mr. Daly

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
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Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

#MDR16

10/10/00 SP-2 ALM/TG

On 7-18-75 Michael Epstein, staff member of the Senate Select Committee, advised that he desires to interview the following Agents: Donald P. Burgess, Robert W. Thomson, O. Richard Hamilton, Charles T. Haynes and Alden F. Miller, all of the Atlanta Office. Additionally, he requested that SA W. John Benton of the Knoxville Office be made available in Atlanta. All interviews will be conducted on Tuesday, 7-22-75. The scope of the interviews will be the Bureau investigation of Martin Luther King. K. William O'Connor, Special Counsel for Intelligence Coordination in the Department, advised Assistant Director John A. Mintz on 7-18-75 that staff interviews would no longer be considered a demand and thus no longer necessitate a waiver of the Code of Federal Regulations provisions concerning interviews.

After securing the approval of Robert H. Cahill of the Administrative Division for the travel of Benton to Atlanta, SAC Harold C. Swanson, Knoxville Office, was telephonically advised on 7-18-75 to arrange that Benton be available in Atlanta, 7-22-75.

RECOMMENDATIONS:

(1) That existing employment agreements of the aforementioned Special Agents be waived for purposes of this interview.

REC-1 62-116395-508

7 JUL 22 1975

(2) That a representative of the Intelligence Division travel to Atlanta to be available for consultation for the interview.

79 AUG 14 1975

1 - Personnel File of Donald P. Burgess
1 - Personnel File of O. Richard Hamilton
1 - Personnel File of Charles T. Haynes
1 - Personnel File of Alden F. Miller
1 - Personnel File of Robert W. Thomson
1 - Personnel File of W. John Benton

PVD:dkg (13)

LEGAL COUNSEL

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. D. Ryan

The Attorney General July 16, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Reference is made to memorandum from Senate Select Committee dated May 14, 1975, and appendices thereto, requesting certain documents and other information from the FBI.

Attached for your approval and forwarding to the Committee is the original of a memorandum which is responsive to one of the Committee's requests.

A copy of the memorandum is being provided for your records.

#MDR16

Enclosures (2)

SP2ALM/JTG

10-10-00

62-116395

UNREC COPY FILED IN

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

REC-1 62-116395-507

1 - 62-116009

21 AUG 13 1975

DR:lfj
(10)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

79 AUG 14 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO 954-546

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. D. Ryan

62-116395

July 16, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES

RE: DOCUMENTS PERTAINING TO THE
COMMITTEE'S PRIOR REQUEST

Reference is made to memorandum from captioned Committee dated May 14, 1975, and the appendices thereto, which contained requests for information from the Federal Bureau of Investigation (FBI).

Item 5 J, Appendix A, requested all memoranda of the FBI and the Justice Department discussing the legal authority of the FBI to use so-called "Cointelpro" techniques and methods, including all forms of organizational "disruption."

A review of all logical files of the FBI and a canvass of appropriate personnel knowledgeable of the counterintelligence programs has failed to locate any documents discussing the legal authority of the FBI to use Cointelpro techniques and methods.

1 - The Attorney General

1 - 62-116009

DR:lfj
(9)

#MDR 16
S.P. 2 ALM/JTG
10-10-00

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
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Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

PLM

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395

GPO 954-546

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 7/16/75

Caption of Document: U.S. Senate Select Committee. Re; Documents Pertaining to the Committee's Prior Request. Item 5J, Appendix A (May 14, 1975 request)

Originating Office: FBI

Delivered by: Dennis Miller Date: Aug 1, 1975

Received by: [signature]

Title: Office Manager

Return this receipt to the Intelligence Division, FBI

#mor 16

10/10/00 SP2 ALM/ [illegible]

CLASSIFY AS APPROPRIATE

E: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

7/16/75

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

#MDR 16
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 5/14/75, Appendix A, Item 5J

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

COINTELPRO

8. SUMMARY (*see reverse side before completing this item*)

SSC requested all memoranda of FBI and Justice Department discussing the legal authority of the FBI to use so-called "COINTELPRO" techniques and methods including all forms of organizational "disruption". A review of all logical files of the FBI and a canvass of appropriate personnel knowledgeable of the counterintelligence programs has failed to locate any documents discussing the legal authority of the FBI to use COINTELPRO techniques and methods.

62-116395

TREAT AS YELLOW

5 / udoc / 8

FMK:fmk
(4)

ORIGINAL VIA LIAISON TO THE CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.

- "FROM" entry should clearly identify the organization providing the information.

- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 7-10-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

Attached is a copy of a Departmental memorandum which interprets "demand" under 28 Code of Federal Regulations, Section 16.21 et seq. for the purpose of dealing with the Senate Select Committee. The provisions of 16 Code of Federal Regulations, Section 16.21 et seq. requires Departmental approval in those instances where a current or former employee in response to a demand of a court or authority is required to furnish material contained in Departmental files or disclose information contained therein.

The Department decision as set forth in the attachment characterizes all requests by Senate Select Committee staff members as a demand which requires a waiver from the Department prior to the employee's submission to the Committee request.

REC-1 62-116395-506

According to the Departmental position concerning demand, the Director or "the FBI General Counsel" in coordination with the Special Counsel for Intelligence Coordination of the Department may waive the provision of 28 Code of Federal Regulations, Section 16.21 et seq. This is in accordance with the provision of Title 28, Code of Federal Regulations, Section 16.23.

14 AUG 13 1975

Upon receipt of the attached documents, SA Paul V. Daly and Inspector John B. Hotis of this Division sought clarification concerning the Departmental interpretation of "demand" as set forth in attachment, including whether this interpretation applied to the General Accounting Office (GAO) inquiry into the Bureau. K. William O'Connor, Special Counsel for Intelligence Coordination, stated he believed this might also apply to GAO, however, he had not really thought out this point. He was also asked what was meant by the phrase, "in coordination with this office." Mr. O'Connor indicated that he wanted to be notified of requests for interviews and that was what he meant by the phrase, "in coordination with this office."

1 - Mr. Wannall - Enclosure
1 - Mr. Mintz - Enclosure
1 - Mr. Cregar - Enclosure
1 - Mr. Finzel - Enclosure
1 - Mr. Hotis - Enclosure
1 - Mr. Daly - Enclosure

PVD:kjs (8)

CONTINUED - OVER

84 ... 15 1975

He was advised by SA Daly that we had previously received requests for the interview of a number of employees in Atlanta, Georgia, by the Committee and that upon receipt of the attached communication, after consultation with Deputy Special Counsel for Intelligence Coordination Michael Shaheen, SA Daly had telephonically informed John Elliff, head of the domestic intelligence task force for the Committee, of the Department's interpretation as set forth in the attached document and the fact that Mr. Elliff should contact Mr. O'Connor concerning these proposed interviews. Mr. O'Connor said that he had been contacted by Mr. Elliff and had, in fact, told Mr. Elliff there would be no interviews. In this regard, O'Connor stated the Department had prepared a proposed draft letter to the Committee expressing concern for the Fifth Amendment rights for Bureau employees and raising other legal issues. Mr. O'Connor indicated that the finalized form of this letter should be sent to the Committee in the near future.

The results of the conversation with John Elliff by O'Connor have caused the Office of Legal Analysis to receive complaints concerning this decision from various Committee staff members, including Mark Gitenstein and Michael Epstein. We can anticipate, unless this particular problem is resolved, receiving protests from their superiors on the Committee.

RECOMMENDATION:

You will be kept advised of developments concerning this matter. Legal Analysis Office will continue efforts to determine what effect this will have on the GAO inquiry.

JBH/pvd pvd

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JUL 8 1975

TO: John A. Mintz
Legal Counsel Division
Federal Bureau of Investigation

FROM: K. William O'Connor
Special Counsel for
Intelligence Coordination

The attached self-explanatory memo, which the Deputy Attorney General has approved, interprets the word "demand" for the purpose of dealing with Senate Select Committee, under 28 C.F.R., 16.21. It is furnished for your information.

#MDR16

10-16-00 SP-2 ALM/JTG

ENCLOSURE

REC-1 62-116395-506

13 AUG 1975

LEGAL COUNSEL

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JUN 23 1975

To Bill O'C.

TO: Harold R. Tyler, Jr.
Deputy Attorney General

FROM: K. William O'Connor
Special Counsel for
Intelligence Coordination

SUBJECT: Interpretation of "Demand",
28 C.F.R., § 16.21, et. seq. - Action Memorandum

The meaning of "demand" is not indicated, beyond subpoena, in the C.F.R. sections indicated. This omission creates a need for an interpretation, for purposes of uniform Department of Justice reaction.

Outlines for inquiry proceedings were agreed upon between the White House and the Senate Select Committee on June 13, 1975, and a copy of those procedures was furnished to the Department on June 16, 1975. Under those guidelines, there is a general undertaking by the Committee to identify witnesses to the Agency a reasonable time before the interviews occur. This general rule includes current and former employees; certain exceptions (not clearly defined) are indicated in the guidelines. The Committee is required to provide the witness with a copy of the procedures, and "relevant waivers of secrecy oaths or agreements for the purpose of this inquiry". The Committee is required to give prior notice of an interview, generally, specifying: (a) subject area; (b) periods of employment; (c) the date set for the interview.

Since these structured procedures, taken with the rules of the Subcommittee, may create a requirement of testimony upon witnesses, it seems to me clear that the paragraphs of 28 C.F.R., § 16.21, et. seq., which refer to "demand" should be interpreted to include any request by any Committee staff member to interview any employee, former employee or other person connected with the Department of Justice.

This interpretation requires certain action: (1) that the witness be authorized to speak under § 16.23 by an appropriate Department Official; and, (2) that an appropriate Department Official be designated. I would think that the appropriate Department Official for the FBI should be the Director of the FBI or the FBI General Counsel, in coordination with this office.

#MDR 16 10-10-00 SP-2 ALM/JTG

258-3

62-116395 - 566

6-24-5

As a matter of current practice, the FBI and other components of the Department are presently coordinating with me on agreements for disclosure under § 16.23, as a system for ensuring that they are receiving treatment consistent with the outlines of inquiry procedure and the agreements between the Committee and the Department.

If you approve, I will advise the involved components of the Department of Justice that the word "demand" will be interpreted as indicated for each witness.

__________ Approve

__________ Disapprove

__________ Let's Discuss

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
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Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 7-23-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

On July 23, 1975, Mike Gitenstein, staff member Senate Select Committee, requested that he be given a briefing concerning "Official and Confidential" files. By way of background, we furnished a summary of the inspection inquiry to the Committee by letterhead memorandum dated 7-16-75, and also made available for review in Bureau space a list of people contacted during the course of this inquiry.

With regard to Gitenstein's request it would appear beneficial for us to brief the Senate Select Committee representative concerning the scope and details of this inquiry. In this regard it appears Gitenstein is interested in those individuals who were contacted by the Inspection Division during their inspection into the "Official and Confidential" files.

If approved the briefing will be tentatively scheduled for Friday, July 25, 1975.

RECOMMENDATION:

That a briefing be arranged for Gitenstein concerning the "Official and Confidential" files inspection inquiry by Inspection Division.

1-Mr. Bassett
1-Mr. Wannall
1-Mr. Cregar
1-Mr. Mintz
1-Mr. Hotis
1-Mr. Daly

PVD:lgp
(8)

REC-47 62-116395-505

5 JUL 29 1975

Briefing held 7/25/75 with Gitenstein, H Helgeson and W[illegible]. Generally briefed him concerning the inspection inquiry and [illegible] scope of O.C. files [illegible] PVD

84 [illegible] 5 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
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Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 7-23-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

By memorandum dated June 24, 1975, you were advised of the Department's intention to make a closed Departmental file available to captioned Committee. The file contained the results of a criminal investigation conducted by the Bureau. The Intelligence, General Investigative and Special Investigative Divisions were requested to furnish their views concerning this matter and the Legal Counsel Division was to prepare a letter to the Department setting forth the Bureau's position with regard to this matter.

We have since had discussions with the Attorney General and other representatives of the Department concerning Senate Select Committee access to Bureau files and submitted correspondence to the Department concerning this matter. It would appear additional communications to the Department are unnecessary. The Department is well aware of our position in this matter.

RECOMMENDATION:

We do not prepare a communication to the Department concerning this matter.

Enclosure

1-Mr. Wannall
1-Mr. Cregar
1-Mr. Gallagher
1-Mr. Cleveland
1-Mr. Mintz
1-Mr. Hotis
1-Mr. Daly

PVD:lgp
(9)

EX-108

REC-47 62-116395-504

JUL 28 1975

#MDR16

10-10-00 SP2 ALM 1776

84 AUG 15 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FD-36 (Rev. 5-22-64)

FBI

Date: 8/7/75

Transmit the following in ____________________
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI

FROM: ADIC, LOS ANGELES (66-6243)

RE: SENSTUDY 75

#mDR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

ReButel 7/30/75.

Enclosed are 8 copies of LHM reflecting interview of ADIC ROBERT E. GEBHARDT by LESTER SEIDEL, Staff Member of the Senate Select Committee, United States Senate.

COPY RETAINED IN PERSONNEL RECORDS UNIT

Return to Personnel file

1-4063

Extra cc's destroyed

EX 104

REC-36

62-116395-503

ENCLOSURE

14 AUG 11 1975

2 - Bureau (8 Encls)
1 - Los Angeles
/mmb
(3)

79 SEP 17 1975

Approved: ____________________ Sent ____________ M Per ____________
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Los Angeles, California
August 7, 1975

#MDR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

U. S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC); INTERVIEW OF ASSISTANT DIRECTOR IN CHARGE ROBERT E. GEBHARDT BY SSC STAFF MEMBER

On August 7, 1975, Assistant Director Robert E. Gebhardt, Los Angeles Division, was interviewed in the Los Angeles FBI Office by Mr. Lester Seidel, Staff Member of the Senate Select Committee, United States Senate.

Gebhardt's rights were not explained to him by Seidel although Seidel did explain the purpose of the interview, that is, the Cointel Program of the FBI as it related to the FBI's investigation of the Black Panther Party when Gebhardt was the Special Agent in Charge of the San Francisco Division from 1970 to 1972.

The interview lasted from 9:05 AM until 10:30 AM, and it was not necessary for Gebhardt to consult with any Bureau representative.

Gebhardt had previously been advised by a Bureau representative of his right to counsel, the privileged areas of information, consultation privileges, and the parameters of interview.

Seidel inquired at the outset as to whether Gebhardt was aware of the Cointel Program relative to the Black Panther Party investigation on a day-to-day basis being specifically advised details of the investigation as it relates to the Cointel Program. It was explained to Seidel that as Special Agent in Charge of the San Francisco FBI Office wherein over 500 employees were located at the time, Gebhardt had many responsibilities in the operation of that division and

62-116395-505

ENCLOSURE

therefore, relied upon the experience, expertise, and judgment of the various supervisors assigned to the office for the day-to-day direction of the various matters under investigation, including the investigation of the Black Panther Party.

It was further explained that if a problem was encountered or a particularly unusual situation developed, Gebhardt was, of course, consulted and was available for such consultation to resolve any particular problem areas.

Gebhardt was next asked if he recalled being SAC when the electronic coverage of the Black Panther Party and the various officials at BBP was instituted and eventually terminated. Seidel was advised that the electronic coverage was already in effect upon Gebhardt's arrival, however, he does recall receiving a phone call after the "Keith Decision" was handed down instructing that all electronic coverage of the BPP and the various members of the BPP be discontinued. The call was received from Bureau Headquarters and the discontinuance was effected immediately.

Seidel inquired as to whether Gebhardt felt the intelligence type investigations should be completely removed from the criminal investigations which investigations would be looking toward eventual prosecution.

Seidel was informed by Gebhardt that even in criminal investigations looking toward prosecutions, much intelligence information is obtained from time to time which really has no value from a prosecutive standpoint, but does have possible value with respect to the direction of the investigation. In some criminal investigations a great deal of intelligence information may be obtained and in other types, very little. Insofar as the FBI is concerned, however, every effort is made to make certain there is some Federal law which would be a basis for an investigation which procedures would include matters commonly referred to as security investigations.

In some instances, in such security investigations a great deal of intelligence information would be obtained therefore, it was Gebhardt's opinion that so-called intelligence type investigations should not be removed from or differentiated from criminal type investigations looking toward prosecutions since intelligence information is an outgrowth of the basic investigation.

Gebhardt was asked if he felt the Cointelpro was a separate entity distinguished from the basic investigation and it was explained that the Cointelpro was a phase of the overall investigation in any particular organization or individual.

Gebhardt was asked if he felt Congress should enact legislation which would set forth specific investigative techniques that could or could not be utilized by the FBI or other Federal investigative agencies. He was advised in Gebhardt's opinion, such legislation should not be enacted, and in reply to the question as to why such legislation should not be enacted, it was pointed out that as an investigative agency, there must of necessity be allowed a certain flexibility because no two investigations are exactly alike and the circumstances of such investigations could possibly not be related to such Federal law.

In answer to the question as to how Congress should assure the American public that questionable activity such as the Cointelpro, was not being engaged in by an investigative agency such as the FBI, Seidel was informed that the Congress and the American people must rely upon the integrity and honesty of the Director of the FBI and the Attorney General.

It was pointed out that both the Director of the FBI and the Attorney General are nominated by the President, hearings are held before the various Congressional Committees and finally approved by the Senate. It was further pointed out that Director Kelley has recently stated in connection with the publicity relative to Cointelpro, that he has no intention of permitting this program to be reinstituted in the FBI and if circumstances ever arose which circumstances he could not contemplated at this time, wherein it was thought such activities should be embarked upon, he would obtain the personal approval of the Attorney General prior to such instituting. Seidel was informed that Gebhardt was in total agreement with this statement of Mr. Kelley.

Gebhardt was asked as to what his feelings were relative to what the relationship should be between the FBI and Congress. He was informed that a Senate Oversight Committee was recently established and it was felt that this was a good start and that this Committee should formalize and

standardize their oversight responsibilities and make regular inquiries of the Director and other officials of the FBI as to our activities. He was informed that there should be either a joint oversight committee between the House and Senate or if the Congress decided on two oversight Committees in both the House and Senate, these committees should be the entities through which all information relative to the activities of the FBI should flow.

It was emphasized however, that there should be regular consultation between these representatives and the FBI.

Inquiry was made as to Gebhardt's opinion relative to the relationship between the Department of Justice and the FBI and Seidel was informed the relationship, in Gebhardt's opinion, is excellent, should continue, and there should be a free flow of information between the FBI and the Department of Justice.

At the conclusion of the interview, Gebhardt summed up his comments by stating that Congress should definitely set up a structured oversight procedure of the activities of the FBI with due regard to the confidentiality of many of the FBI operations and investigations and must assure itself that the members of the Committee and its staff will maintain the confidentiality where necessary.

Secondly, in the areas of investigative matters usually referred to as national defense, national security or intelligence operations, all of the FBI investigations must be based on the application of the facts toward a particular Federal statute and if the facts are so oblique that they cannot be clearly applied to a particular Federal statute, consultation with the Department of Justice should be had in all instances.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
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Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
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Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. Adams

DATE: 6-18-75

FROM : Legal Counsel

#MDR16

10/10/00 SP-2ALM/JTG

SUBJECT: SENSTUDY 75

At 10 a.m., on 6-18-75, Mr. William Miller, Staff Director Senate Select Committee on Intelligence Activities called Inspector John B. Hotis to advise that he heard a report on the radio earlier that morning concerning the alleged penetration of Congressional and Senatorial offices by the KGB or agents of Soviet bloc Nations. Miller said he did not have any further details and stated he was uncertain whether the report alleged actual penetration of the offices or simply increased contacts by the Soviets with Members of Congress. Miller said he believed the source of the report was a television interview of Senator Goldwater (R-Arizona) on Sunday, 6-15-75.

Mr. Miller said the members of the Senate Committee were concerned about these allegations and asked the Federal Bureau of Investigation to inquire into the matter. Assistant Director Wannall has been advised of this request.

RECOMMENDATION:

In view of the sensitivity of this matter, it is recommended that the Intelligence Division prepare an oral briefing for Mr. Miller concerning increased Soviet contacts with Members of Congress.

REC-36 62-116395-502

Oral briefing given on 8/7/75 to Messrs. Miller, Elliff and Shea by W.R. Wannall and W.O. Branigan
WOB 8/7/75

1-Mr. Wannall
1-Mr. Cregar
1-Mr. Mintz
1-Mr. Daly
1-Mr. Hotis

JBH:lgp
(7)

5-WOB

84 AUG 13 1975

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 0 1975

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Telephone Rm.
Director Sec'y

NR002 PH PLAIN

417 PM URGENT AUG. 6, 1975 DCC

TO DIRECTOR (62-116395)

FROM PHILADELPHIA (62-0-23222)

SENSTUDY 75

RE PHILADELPHIA NITEL TO THE BUREAU, JULY 30, 1975, AND PHILADELPHIA TELCALL TO THE BUREAU, AUGUST 6, 1975.

ON AUGUST 6, 1975, MRS. ROBERT THWEAT ADVISED THAT HER SOURCE PREVIOUSLY MENTIONED IN RE NITEL IS AMY MITCHELL, AGE 24, EMPLOYED BY THE CITIZENS' ACTION COMMITTEE AT THE WHITE HOUSE. SHE CAN BE REACHED AT TELEPHONE NUMBER 456-6466 AFTER 2:00 PM THIS DATE. SHE PREFERS INTERVIEW IN WASHINGTON, D. C., THIS EVENING. SHE DOES NOT DESIRE HER NAME DIVULGED OR CREDITED AS THE ORIGINAL SOURCE OF INFORMATION.

PHILADELPHIA WILL REPORT ANY FURTHER INFORMATION THAT IS PROVIDED BY MR. OR MRS. THWEAT.

END

REC- 102 62-116395-501

PLS ACK FOR TWO

VLJ ACK FOR TWO

14 AUG 11 1975

FBIHQ CLR

#MDR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

84 AUG 13 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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NR ØØ2 PH PLAIN

417 PM URGENT AUG. 6, 1975 DCC

TO DIRECTOR (62-116395)

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REC-102

PLS ACK FOR TWO

VLJ ACK FOR TWO

FBIHQ CLR

14 AUG 11 1975

#NDR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP-2 ALM/JTG

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

DATE: 8/6/75

1 - Mr. S. S. Mignosa
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-19-88 BY SP-1 A66

PURPOSE:

To advise of recent developments in matter involving possible leak of intelligence community information in possession of Senate Select Committee (SSC).

DETAILS:

My memorandum to you dated 8/1/75, captioned as above (copy attached), advised that our Philadelphia Office recently received information that a member of the SSC had reportedly, without authorization, Xeroxed a CIA document in possession of the Committee for subsequent transmittal to Congressman Morris Udall. Since receipt of this original information, our Philadelphia Office has been attempting to arrange for an interview of the original source of this information.

62-116395-

The following information is set forth to advise you of pertinent developments subsequent to my memorandum of 8/1/75.

NOT RECORDED
17 AUG 1975

At approximately 3:00 p.m., 8/5/75, Mr. Paul Mack, Executive Assistant to the Deputy Associate Director, advised Special Agent (SA) Thomas J. McNiff that the contemplated interview of the source should not be conducted prior to a discussion that Mr. Nicholas P. Callahan, Associate Director, was scheduled to have with appropriate representatives of the Department concerning this matter. At approximately 5:00 p.m., 8/5/75, Mr. Mack advised SA McNiff that Department representatives had been appropriately advised and that the interview of source should be conducted at the earliest time.

ORIGINAL FILED IN

Enclosure
62-116395

ROUTE IN ENVELOPE

CONTINUED - OVER

84 AUG 13 1975

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

At 10:35 a.m., 8/6/75, SA John Kutz, Philadelphia Office, called and advised that he had been in touch this date with Mrs. Robert Thweat who advised that the identity of her niece, the original source of information, is Amy Mitchell who is 24 years of age and is currently employed as a summer intern for the Citizens Action Committee at the White House. Miss Mitchell can be contacted at phone number 456-6466 between the hours of 2:00 p.m. and 4:00 p.m., 8/6/75. Mrs. Thweat advised if not contacted prior to 4:00 p.m., Mitchell would be unavailable (for unexplained reasons) until after 8/11/75. Mrs. Thweat also advised that her niece, Amy Mitchell, desired that her name remain confidential with regard to any information she would furnish this Bureau and that under no circumstances would she be agreeable to testimony.

At 10:55 a.m., 8/6/75, Mr. Mack was contacted and advised of the above recent information received from Philadelphia and that arrangements were being effected for Agents of the Washington Field Office (WFO) to contact Mitchell for purpose of interview.

At 11:20 a.m., 8/6/75, SA McNiff personally contacted ASAC Cornelius G. Sullivan, WFO, and furnished him with copies of Philadelphia teletypes 7/29/75 and 7/30/75 concerning this matter, as well as briefing him of developments subsequent to information contained in these teletypes. ASAC Sullivan was instructed to have two experienced Agents contact Mitchell in the above-mentioned time frame for the purpose of arranging an interview of Mitchell.

At approximately 1:30 p.m., 8/6/75, SAs Donald E. Stukey II and Daniel J. Kiernan contacted SA McNiff at FBIHQ for the purpose of briefing prior to initiating contact with Mitchell. These Agents were brought up to date regarding available information relating to this matter and were

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

instructed to insure that the interview of Mitchell was conducted in a most discreet and thorough manner. They were instructed to submit this evening a nitel summarizing results of the interview followed immediately by an LHM suitable for dissemination setting forth in detail results of the interview.

At 2:15 p.m., 8/6/75, SA Stukey called advising that he had telephonically contacted Mitchell and arranged for an interview of her at her residence at 6:00 p.m., 8/6/75.

ACTION:

None. Above submitted for information. You will be advised of results of interview along with recommendation for additional action to be taken in this matter.

FBI

SECRET

August 5, 1975

(Sen Study 1975

Rec'd from SSC 8/6/75

REQUEST FOR FBI MATERIALS

I. Materials to which the SSC staff has been given access; delivery requested by Monday, August 11, 1975:

A. The notebook or binder containing materials on the FBI legal authority and maintained in the Office of the Special Counsel.

B. Materials pertaining to FBI-CIA relations in 1970 previously made accessible at FBIHQ in excised form; unexcised versions of the memoranda bearing the item-number designations 8, 9, 30, 32, and 37.

C. "Foreign Operations Policy Manual," previously made accessible at FBIHQ.

D. Inspection Reports on the Intelligence Division and the San Francisco Field Office, as currently sanitized.

62-116395-

NOT RECORDED

14 AUG 12 1975

5-Phillips

84 AUG 13 1975

II. Materials to which the SSC staff has been given access; delivery requested by Friday, August 15, 1975:

A. The following materials maintained in the so-called "Official and Confidential" files and designated "non-derogatory," previously examined by SSC staff:

1. Agreement between FBI and Secret Service;
2. Attorney General - Submission of Memoranda by FBI;
3. "Black Bag" Jobs;
4. Expansion of FBI Foreign Intelligence Coverage;
5. Intelligence Coverage - Domestic and Foreign;
6. Directives (60);
7. Cook, Fred (52).

B. Summaries or notes on interviews conducted by Inspection Division for July 3 Inspection for the individuals whose names are underscored on the attached list (slightly expanded from previous access requests).

III. Newly requested materials; delivery requested by Monday, August 11, 1975:

A. All of Section 8 of the Manual of Instructions.

B. Sections 1, 6, 7H, 7J, 8L, and 14F of the Manual of Rules and Regulations.

C. Superseding versions of Section 6 of the Manual of Rules and Regulations, since January 1, 1960.

D. The following materials referred to in memoranda previously delivered to SSC regarding FBI legal attaches:

1. Memoranda of W. C. Sullivan of June 7, 1971, and June 16, 1971;

2. Memoranda of Mr. Wannall of May 27, 1971, and May 28, 1971;

3. Letter of Hoover to the President dated September 21, 1970;

4. Memorandum of W. C. Sullivan dated September 22, 1970

5. Memorandum of Mr. Brennan dated September 21 1970;

6. Memorandum of Mr. Child of May 23, 1969;

7. Recommendations of Dalby, Felt, and Beaver upon the recommendation made in memorandum of Sullivan of June 7, 1971:

8. Material pertaining to an inspection of all FBI foreign liaison posts conducted in 1971 pursuant to instructions from Hoover to Assistant Director Ponder in charge of inspections.

E. Materials pertaining to the origin, operation, and termination of the Mass Media Program implemented by the former FBI Crime Records Division.

F. Materials pertaining to the establishment and functions of the FBI External Affairs Division.

G. "Guide to Indexing" and "Rules Pertaining to the General Index", cited at p. 14, Volume 1, of the Classifying Instructor's Guide.

H. "The Standard Sub List"

I. The following materials pertaining to Project INLET:

1. Materials reflecting approval of the Project on or about November 20, 1969.

2. Inspection Report referred to in SAC letter of December 26, 1972.

3. Letter from FBI to Congressman Les Aspin in 1973 regarding the Project.

J. Materials pertaining to the policies and procedures of the FBI for the use of FBI agents for so-called "undercover" activity.

K. The current address and assignment of Special Agent (or former Special Agent) John Kunkle, who was assigned to the Bureau's Hawaii office in 1955.

IV. Newly requested materials; delivery requested by Friday, August 18, 1975:

A. The following materials referred to in memoranda previously delivered to SSC regarding FBI Legal Attaches:

1. Materials pertaining to conversations between the President and Hoover regarding foreign liaison operations in September 1970;

2. Materials pertaining to conversations between Dr. Kissinger and Hoover in December 1970;

3. Materials pertaining to communications between the FBI and the State Department regarding foreign liaison operations in 1970;

4. Materials pertaining to a conference with the President regarding foreign liaison operations in June 1971.

V. Newly requested materials; access to screen for delivery requested by August 18, 1975:

A. The following materials pertaining to Mrs. Claire (Anna) Chennault and Spiro T. Agnew:

1. All materials pertaining to the authorization or re-authorization by the President or the Attorney General of technical surveillance of the South Vietnamese Embassy in Washington, D.C. in 1968.

2. All materials pertaining to the initiation, authorization, conduct, and termination of technical or physical surveillance and "telephone checks" of Mrs. Claire (Anna) Chennault in November 1968.

3. All materials pertaining to the initiation, authorization, conduct, and termination of technical or physical surveillance and "telephone checks" of Vice Presidential candidate Spiro T. Agnew in November 1968.

4. All materials summarizing the results of technical or physical surveillance, including incidental overhearings, and "telephone checks" of Mrs. Claire (Anna) Chennault and Spiro T. Agnew in November 1968, but not including "logs".

5. All materials pertaining to White House instructions to the FBI for the handling of the summary letters described in item 4 above.

6. All materials pertaining to actions taken by the White House as a result of information contained in the summary letters described in item 4 above.

7. The current addresses of the following former Special Agents, who may have participated in the technical or physical surveillance or "telephone checks" of Mrs. Claire (Anna) Chennault or Spiro T. Agnew:

a. Phil Claridge

b. William Jackson

B. The following materials pertaining to Yeoman Charles E. Radford:

1. All materials, including memorializations of oral communications, pertaining to the authorization, initiation, conduct, and termination of technical surveillances of Yeoman Charles E. Radford from December 1971 to June 1972.

2. All materials, including memorializations of oral communications, pertaining to the authorization, initiation, conduct, and termination of technical surveillance of two close personal friends of Yeoman Radford, one retired from the Navy, the other a State Department employee, from January to April 1972.

3. All materials, including memorializations of oral communications, pertaining to the authorization, initiation, conduct, and termination of technical surveillance of Yeoman Radford's step-father in Oregon from February to April 1972.

4. All materials summarizing the results of the technical surveillances described in items 1 through 3 above.

5. All materials pertaining to actions taken by the White House as a result of information contained in the summary described in item 4 above.

C. With respect to surreptitious entries carried out by the FBI from January 1, 1960 to the present, all materials pertaining to the following:

1. The date, place, target, and purpose of each entry;

2. The request and authorization for each entry including the identities of the agencies and/or individuals who requested and/or authorized the entry;

3. The procedures and methods used for the conduct of each entry;

4. The results of each entry, including the information obtained and the identities of the agencies and/or individuals to whom the information was disseminated.

5. The materials in 1 through 4 above which may pertain to any surreptitious entry directed at the following targets:

   a. French Embassy in Washington D.C. (1960)

   b. Japanese Consulate in Seattle, Washington(1957?,196

   c. Daniel Ellsberg, Mill Valley, California (1973,1974)

   d. Gerald Lefcourt, New York City (1970, 1971)

   e. Charles Garry, Oakland, California (1970, 1971)

   f. Eqbal Ahmed, Chicago (1970)

   g. United States Servicemen's Fund, Boston (1971)

   h. NAACP Legal Defense Fund, New York City (1971)

   i. Marvin Kalb, CBS News (1972, 1973)

   j. Dan Rather, CBS News (1972, 1973)

   k. Sol Linowitz (1972)

   l. Institute of Policy Studies, Washington,D.C. (1971)

   m. Michael Kennedy, San Franciso (1969, 1970)

   n. Radical Education Project and SDS,Ann Arbor, Michig (1969)

   o. Carol Wild Scott, Gainsville, Florida (1972)

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   q. The Washington Free Press, Washington,D.C. (1969)

   r. The home of a "known bigot...(who) might (have been) plotting violence against Jewish leaders," referred to in Jack Anderson's column in the Washington Post of June 21, 1975.

D. Materials pertaining to any jurisdictional agreements, agreements of coordination, or other agreements between the FBI and any other federal, state or local agency with regard to the conduct of and dissemination of information from surreptitious entries.

E. The following materials pertaining to NSA watch list activity, reportedly in operation from late 1967 through 1973, which involved the monitoring of international communications that were addressed to, or from, or included the names of persons on a changing "watch list":

1. All materials pertaining to the proposing, approving, putting names on, executing, evaluating, or terminating the watch list activity;

2. All materials (including correspondence) sent by the FBI to the National Security Agency or any other entity in the Department of Defense listing names for the watch list or otherwise commenting on the activity;

3. Any internal FBI materials produced as part of the activity;

4. Any NSA or Department of Defense materials (including correspondence and reports) regarding the watch list activity sent to the FBI.

F. Materials pertaining to the authorization for FBI contacts with, dissemination of FBI information to, receipt of information from, and requests by the FBI for action by the Special Services Staff of the Internal Revenue Service.

G. "The Handbook of Technical Equipment".

H. Materials pertaining to FBI activity with respect to the National Environmental Teach-In (also known as "Earth Day"), April 22, 1970.

I. Materials pertaining to the origin and implication of any decision to gather intelligence on "Women's Liberation" in the Philadelphia FBI field office 1969 to the present.

J. The additional SAC letters and memoranda identified on the attached list.

K. The performance ratings (Form FD 185) of the following current or former FBI employees:

1. George Berley
2. Wilfred Bergeron
3. William D. Campbell
4. Richard Suter
5. William Tucker
6. Terry O'Connor
7. Joseph English

L. The current office assignment or last known address of the individuals listed in K. above.

62-116395-

SECRET

August 5, 1975

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2. All materials (including correspondence) sent by the FBI to the National Security Agency or any other entity in the Department of Defense listing names for the watch list or otherwise commenting on the activity;

3. Any internal FBI materials produced as part of the activity;

4. Any NSA or Department of Defense materials (including correspondence and reports) regarding the watch list activity sent to the FBI.

F. Materials pertaining to the authorization for FBI contacts with. dissemination of FBI information to, receipt of information from, and requests by the FBI for action by the Special Services Staff of the Internal Revenue Service.

G. "The Handbook of Technical Equipment".

H. Materials pertaining to FBI activity with respect to the National Environmental Teach-In (also known as "Earth Day"), April 22, 1970.

I. Materials pertaining to the origin and implication of any decision to gather intelligence on "Women's Liberation" in the Philadelphia FBI field office from 1969 to the present.

J. The additional SAC letters and memoranda identified on the attached list.

K. The performance ratings (Form FD 185) of the following current or former FBI employees:

1. George Berley
2. Wilfred Bergeron
3. William D. Campbell
4. Richard Suter
5. William Tucker
6. Terry O'Connor
7. Joseph English

L. The current office assignment or last known address of the individuals listed in K. above.

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. J. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

SECRET

TO : Mr. W. R. Wannall

DATE: 8/ 1/75

1 - Mr. S. S. Mignosa
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

FROM : W. O. Cregar

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

SUBJECT: SENSTUDY 75

FOI/PA # 293030
APPEAL #
CIVIL ACT. #
E.O. # 12356
DATE 12-19-88 INITIALS GM
S/ IS (CIA) S

PURPOSE:

To advise of receipt of uncorroborated information from Philadelphia Office to the effect that a Staff Member of the Church Committee reportedly, without authorization, Xeroxed a CIA document in possession of the Committee for subsequent transmittal to Congressman Morris Udall.

DETAILS:

Senstudy is acronym for Senate Select Committee on Intelligence Activities (SSC), also known as Church Committee, which Committee is looking into operations of members of the intelligence community.

By teletype 7/30/75, our Philadelphia Office advised that one Robert Thweat, a retired United States Navy Commander, had made available information he received from an unnamed relative. This relative told him that one Daniel O'Flaherty, who is employed with the Church Committee, had on an unknown date removed from his work area, by hiding underneath his shirt, a CIA memorandum containing derogatory information on Senator Henry Jackson. (S) O'Flaherty then Xeroxed the memorandum and provided the Xeroxed copy to an unknown person for subsequent transmittal to Congressman Morris Udall. According to Thweat, O'Flaherty had personally related the above information to his relative and reportedly had also related the incident to a Mr. Katz, a former associate who is currently a professor at the University of Vanderbilt, Nashville, Tennessee. Katz

#MDR16 10-10-00 SP-2 ALM/JTG

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

62-116305

62-116395-

TJM:lhb lhb
(7)

12-19-88
Classified by SP1 AG/GM
Declassify on: OADR
1/12 93030

NOT RECORDED
20 AUG 1975

CONTINUED - OVER

SEE ADDENDUM, PG. 5

ROUTE IN ENVELOPE

SECRET

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

reportedly voiced his displeasure to O'Flaherty stating he did not approve of the latter's action. The memorandum in question dealt with CIA's possible use of derogatory information to determine the direction Senator Jackson would take in future actions he might encounter which might involve CIA activity. (S) (S) Thweat advised he would recontact his relative to determine if this individual would come forward, reveal his identity and be cooperative in any investigation.

A memorandum from CIA dated 7/29/75 indicates that James Daniel O'Flaherty, born 11/4/42, is a member of the Staff (S) of SSC and has been granted a security clearance up to "Top Secret." (S)

On the morning of 7/31/75, Philadelphia Office was telephonically contacted and instructed to expedite a contact with Thweat to determine the availability of his relative. At approximately 2:30 p.m., 7/31/75, Philadelphia Office advised that Thweat, upon recontact, had stated that it would be impossible to contact his relative before this coming weekend. In conversation, he identified his relative as a niece who is currently attending school in Washington, D. C. He further advised that O'Flaherty reportedly is no longer residing with his wife and is engaged in an emotional relationship with his niece. Thweat added he believed his niece would be cooperative as she has expressed her disapproval of O'Flaherty's action. He concluded by saying that upon determination of his niece's decision in this regard he would immediately advise the Philadelphia Office.

OBSERVATIONS:

The above information, if accurate, represents a serious violation of the agreement regarding confidentiality existing between the SSC and members of the intelligence community as it relates to material being turned over or made available to Staff Members of the Committee. It is incumbent

SECRET

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

upon this Bureau to make the above information available at the earliest logical time and in the most complete form possible to the Department, CIA, and Senators Frank Church and John G. Tower of the SSC. Accordingly, an interview by Bureau Agents of Thweat's niece, if she agrees to cooperate, would appear desirable before initiating any action on the basis of information received to date.

Additionally, it is not known at this time whether or not the document reportedly Xeroxed by O'Flaherty is classified. In our continuing inquiry into this matter, attempts will be made to identify document, determine whether it contains classified information and ascertain whether or not a violation of Federal statutes exists.

RECOMMENDATIONS:

1. That contact be maintained with the Philadelphia Office to insure that the desired information concerning Thweat's niece be expeditiously obtained. If she agrees to cooperate, she will be immediately interviewed and pertinent information obtained . furnished, via established liaison channels, to the Department, CIA, and Senators Church and Tower. Appropriate field offices will be instructed to conduct necessary investigation to corroborate the information and to determine if a possible violation of Federal statutes has been committed.

SECRET

CONTINUED - OVER

SECRET

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75'
62-116395

2. If Thweat's niece declines cooperativeness, pertinent information obtained thus far will, in memorandum form concealing identity of source, be furnished via established liaison channels to the Department, CIA, and Senators Church and Tower. Additionally, a lead will be sent to the Memphis Office to interview Professor Katz at the University of Vanderbilt in an attempt to corroborate the allegation.

This should be discussed with Department first

First contact Dept.

SECRET

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ADDENDUM PAUL L. MACK/mah 8/5/75

The Intelligence Division advised Philadelphia Office telephonically informed FBIHQ on 8/5/75 that Thweat had returned to Philadelphia from seeing his niece and indicated she would talk to the FBI on the condition that she would go to Philadelphia about 8/22/75 to talk to the Agent who is a personal friend of Thweat and to whom he initially confided the information regarding this matter. Philadelphia was advised in view of the time lag a more preferable alternative would be for WFO Agents to contact the niece or as another alternative the Philadelphia Agent would travel to Washington, D. C., to conduct the interview. Philadelphia was requested to expeditiously recontact Thweat concerning the above possibilities.

SECRET

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. E. Walsh
2 - Mr. J. A. Mintz
(Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

TO :Mr. W. R. Wannall WRW/TRL

DATE: 7/31/75

1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

FROM :W. O. Cregar WOC TJM

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

SUBJECT: UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

This is to recommend that the Administrative Division provide a copy of the Foreign Operations Policy Manual to be reviewed by the Intelligence Division before presentation to the SSC for its review.

The 7/28/75 communication from the SSC contains on page 4, request IV C, which asks for "The Manual for the Legal Attaches." The SSC requested access to this Manual for the purpose of "access to screen for delivery requested by Friday, August 1, 1975."

This Manual will not be delivered to the SSC for its permanent retention at this time, however, the SSC may later request the copy for its permanent retention. This Manual should be reviewed by the Liaison Section, Intelligence Division, prior to being made available to the SSC and if necessary, deletions from the Manual will be made and the SSC will be advised of the general nature of the deletions.

RECOMMENDATION:

That the Administrative Division make available to the Intelligence Division one copy of the Foreign Operations Policy Manual for review prior to its being made available to the SSC.

WRW/TRL REC-102

RLM:mam
(6)
RLM

AUG 11 1975

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Manual #10 issued to Robert R. Moore 7-31-75

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#MOR 16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/10/00 BY SP2 ALM/TTG

84 AUG 13 1975